

pendent executor, or executors, and/or trustees, or unpaid expenses of administration, or when the Court appointing such administrator orders the business of the estate to be carried on and it becomes necessary, from time to time, under orders of the Court for such administrator to borrow money and incur obligations and indebtedness in order to protect and preserve the estate; providing that, in addition, upon application, notice and hearing, the County Court may order, authorize and empower such administrator to assume, exercise and discharge, under the orders and directions of said Court, made from time to time, all or such part of the rights, powers and authorities vested in and delegated to the independent executor, or executors, and/or trustees, acting in the capacity of independent executors, under the terms of the will of such deceased person, as the Court may find to the best interest of the estate and may, from time to time, order and direct; providing that the granting of some or all of the powers and authorities under this Act shall be upon application, notice, citation, and hearing, and the Court's order shall be entered in the Court's minutes; providing that the validity of any part of this Act shall not be dependent upon any other portions, and should any part of this Act be held unconstitutional, same shall not affect the validity of the remaining portions, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, November 12, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 20, Requesting Mem-
bers of Congress to take such action
as may be necessary to bring about
the appropriation and allotment of the
funds necessary for the completion of
the Army Construction Program in
the State of Texas.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

THIRTEENTH DAY

(Wednesday, November 13, 1935)

The House met at 9:30 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Stevenson.

The roll was called, and the fol-
lowing Members were present:

Mr. Speaker	Greathouse
Adamson	Hankamer
Adkins	Hanna
Aikin	Hardin
Alexander	Harris of Archer
Alsup	Harris of Dallas
Ash	Hartzog
Atchison	Head
Beck	Herzik
Bergman	Hodges
Bourne	Hofheinz
Bradbury	Holland
Bradford	Hoskins
Broyles	Howard
Burton	Huddleston
Butler of Brazos	Hunt
Butler of Karnes	Hunter
Cagle	Hyder
Caldwell	Jackson
Calvert	James
Canon	Jefferson
Celaya	Jones of Atascosa
Clayton	Jones of Falls
Collins	Jones of Shelby
Colquitt	Jones of Wise
Colson	Keefe
Cooper	King
Cowley	Knetsch
Craddock	Lanning
Crossley	Latham
Daniel	Leath
Davis	Lemens
Davison of Fisher	Leonard
Davisson	Lindsey
of Eastland	Lotief
Dickison	Lucas
Dunagan	Luker
Dunlap of Hays	Mauritz
Dunlap of Kleberg	McCalla
Duvall	McConnell
Dwyer	McFarland
England	McKee
Fain	McKinney
Farmer	Moffett
Fisher	Moore
Ford	Morris
Fox	Morrison
Frazer	Morse
Fuchs	Newton
Gibson	Olsen
Glass	Padgett
Good	Palmer
Graves	Patterson
Gray	Payne

Petsch	Spears
Pope	Stanfield
Quinn	Steward
Reader	Stinson
Reed of Bowie	Stovall
Reed of Dallas	Tarwater
Riddle	Tennyson
Roach of Angelina	Thornton
Roach of Hunt	Tillery
Roane	Venable
Roark	Waggoner
Roberts	Walker
Rogers	Wells
Russell	Westfall
Rutta	Wood of Harrison
Scarborough	Wood of Montague
Sessions	Worley
Settle	Young
Shofner	Youngblood
Smith	

Absent

Lange

Absent—Excused

Fitzwater	Nicholson
Hill	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"For this day and its possibilities we thank Thee, our Heavenly Father. Wilt Thou so lead us that we may co-operate wisely, that these last days may be fruitful of good results. In Christ's name. Amen."

BILLS ORDERED NOT PRINTED

On motion of Mr. Hankamer, Senate Bill No. 28 was ordered not printed.

On motion of Mr. McKinney, Senate Bill No. 18 was ordered not printed.

On motion of Mr. Bradford, Senate Bills Nos. 23 and 30 were ordered not printed.

On motion of Mr. Newton, House Bill No. 136 was ordered not printed.

On motion of Mr. Keefe, Senate Bill No. 31 was ordered not printed.

PROVIDING FOR PURCHASE OF RAY'S SESSION LAWS

Mr. Alsop offered the following resolution:

Whereas, The General Laws of the First Called Session of this Legislature are now published in Ray's Session Laws and are ready to be distributed and delivered, and those of

the Second Called Session will likewise be published immediately after the Governor has acted upon the bills after adjournment without any delay; therefore, be it

Resolved, That the House subscribe for one copy of these laws for each member, the First Called Session to be delivered immediately after the adoption of this resolution and the other as soon as published, at a price of 75 cents per copy, as made by the publisher, same to be paid for out of the Contingent Fund of the House, as has been the custom heretofore.

ALSUP,

REED of Dallas.

The resolution was read second time, and was adopted.

RELATIVE TO COMMITTEE APPOINTED TO INVESTIGATE ARRESTS OF OPERATOR'S OF MOTOR VEHICLES

Mr. Hoskins offered the following resolution:

Whereas, The Investigating Committee appointed pursuant to House Simple Resolution No. 14 of the First Called Session of the Forty-fourth Legislature was required, under terms of said resolution, to report to the same Session of the Legislature, which report is published on page 495 of the House Journal of the First Called Session; and

Whereas, Testimony of various witnesses before the committee accuses various precinct, county and State law enforcement officers of abuse and physical violence in the enforcement of the highway laws of the State of Texas, which accusations in justice to such law enforcing officers should be further investigated to the end that if such accusations are true, such officers should be called to answer for the alleged acts or if untrue such officers should be publicly vindicated; and

Whereas, The committee found "that there has been an appalling degree of uncertainty and indecision as to what the law is in regard to one's hauling his own merchandise on his own truck, and consequently as to what the policy of enforcement should be, both in the minds of law enforcement officers and the general public", and

Whereas, The committee found "an attitude on the part of many local officers to treat the accused guilty

before trial" and that it was "the practice of many local arresting officers acting as judge and jury and accepting fines without keeping proper records of said fines"; and

Whereas, The committee recommended that some committee "be charged with the investigation and acquisition of information as to the affect of the new Federal truck laws" for the purpose of making such recommendations as it may deem proper to co-ordinate regulation of highway traffic as between the State of Texas and the Federal Government; and

Whereas, The committee recommended that such a committee "be charged with the duty of further investigating into the enforcement of truck laws instituted by this committee, and be requested to follow up alleged abuses and discriminations which this committee has neither the time nor the opportunity to finish"; and, be it

Resolved by the House of Representatives of the State of Texas, That the Speaker of the House is directed to appoint a committee of five (5) members of the House for the purpose of investigating and acquiring information as to the effect of the Federal Motor Carrier Law on the trucking industry in Texas for the purpose of recommending to the Legislature any needed changes in State laws deemed necessary to properly co-ordinate regulation of highway traffic between Federal and State government, in the public interest; and for the purpose of further investigating into enforcement and effect of highway laws and following up alleged abuses and discriminations and accusations made to the committee appointed personally to House Simple Resolution No. 14 of the First Called Session; be it further

Resolved, That the Speaker shall appoint a chairman of said committee who shall preside over such committee matters and direct its activities. Such committee shall have all powers necessary to carry out the full and complete terms of this resolution. Said committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments which may be addressed to and served either by the Sergeant-at-Arms ap-

pointed by said committee or any sheriff or any constable of this State. Said committee shall have power to inspect and make copies of all books, records, or files of any person, firm, association, or corporation or any employee, agent or servant of any of the foregoing parties, where such document appurtenant to any matter under investigation is deemed necessary by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses.

That said committee may call upon the Attorney General's Department for assistance and advice and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon the request of the chairman or members of said committee.

Said committee may call upon all officers of the State government, including county, district and municipal officers to render assistance to said committee, and upon the request of the chairman or members of said committee it shall be the duty of all such officers to aid and assist said committee; be it further

Resolved, That all necessary expenses for carrying out the purposes of this resolution, not to exceed \$500.00, be paid out of the Contingent Fund of the House of Representatives, Forty-fourth Legislature, to be paid on sworn accounts approved by the chairman of the committee; be it further

Resolved, That said committee shall report its findings and recommendations in writing to the Legislature and shall include in its report its recommendations of any legislation that should be enacted, or any other action that should be taken.

HOSKINS,
DANIELS,
COLSON,
LANNING,
LUCAS,
THORNTON.

The resolution was read second time.

(Mr. Clayton in the Chair.)

Mr. Reed of Bowie moved that the resolution be referred to the Committee on Highways and Motor Traffic.

Mr. Hoskins moved to table the motion by Mr. Reed of Bowie.

Mr. Fuchs raised a point of order on further consideration of the resolution by Mr. Hoskins, on the ground that the time for the consideration of resolutions has expired.

The Chair sustained the point of order.

Mr. Hoskins moved that the House Rule, relative to the time allotted for the consideration of resolutions, be suspended, at this time, for the purpose of considering the above resolution.

The motion prevailed.

Question recurring on the motion by Mr. Hoskins, to table the motion by Mr. Reed of Bowie to refer the resolution, it prevailed.

Question recurring on the adoption of the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—80

Adkins	Hoskins
Aikin	Huddleston
Alexander	Hyder
Atchison	Jackson
Bergman	James
Bradford	Jefferson
Butler of Karnes	Jones of Atascosa
Caldwell	Jones of Shelby
Calvert	Jones of Wise
Colquitt	Keefe
Colson	King
Cooper	Lanning
Daniel	Latham
Davis	Leath
Davisson	Lindsey
of Eastland	Lucas
Dickison	Luker
Dunagan	Mauritz
Dunlap of Kleberg	McConnell
Dwyer	McKinney
England	Moore
Fain	Morris
Farmer	Morrison
Frazer	Padgett
Gibson	Patterson
Glass	Payne
Good	Pope
Graves	Reader
Gray	Riddle
Greathouse	Roach of Angelina
Hanna	Roark
Hardin	Rogers
Harris of Archer	Sessions
Hartzog	Smith
Hodges	Spears
Hofheinz	Steward
Holland	Stinson

Stovall
Thornton
Tillery
Venable

Wells
Worley
Youngblood

Nays—37

Adamson	Jones of Falls
Alsup	McFarland
Bourne	McKee
Bradbury	Palmer
Broyles	Quinn
Burton	Reed of Bowie
Butler of Brazos	Reed of Dallas
Cagle	Roach of Hunt
Craddock	Roane
Crossley	Russell
Davison of Fisher	Rutta
Fisher	Shofner
Ford	Tennyson
Fox	Waggoner
Fuchs	Walker
Harris of Dallas	Westfall
Head	Wood of Harrison
Herzik	Wood of Montague
Hunter	

Absent

Ash	Lange
Beck	Lemens
Canon	Leonard
Celaya	Lotief
Clayton	McCalla
Collins	Newton
Cowley	Olsen
Dunlap of Hays	Roberts
Duvall	Scarborough
Hankamer	Settle
Howard	Stanfield
Hunt	Tarwater
Knetsch	

Absent—Excused

Fitzwater	Nicholson
Hill	Petsch
Moffett	Young
Morse	

Mr. Daniel moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

EXTENDING PRIVILEGES OF THE FLOOR OF THE HOUSE

Mr. Smith offered the following resolution:

Whereas, The Texas Federation of Women's Club is now in session in Austin; and

Whereas, They have as their guests approximately 20 young ladies from Texas College for Women, of Denton,

and North Texas State Teachers College, Denton; and

Whereas, These young ladies are very much interested in the affairs of government and the proceedings of the Legislature, be it

Resolved, That they be extended the privileges of the floor for November 13th, 1935.

SMITH,
READER,
WOOD of Harrison.

The resolution was read second time.

Mr. Stinson asked unanimous consent that the names of all the members of the House be added to the resolution.

There was objection offered.

Question recurring on the resolution, it was adopted.

TO SUSPEND CERTAIN RULE

On motion of Mr. Hankamer, the House Rule relative to the time allotted for the consideration of resolutions, was suspended, at this time, for the purpose of considering the resolutions on the Speaker's desk.

TO PROVIDE FOR THE APPOINTMENT OF CERTAIN INVESTIGATING COMMITTEE

Mr. Caldwell offered the following resolution:

Whereas, Under Chapter 124, Acts of the Regular Session of the Forty-fourth Legislature an appropriation of Three Million (\$3,000,000.00) Dollars was made for the purpose of assisting in the creation and establishment of the Texas Centennial; and

Whereas, The Legislature has heretofore made provision for the establishment of a Commission of Control for the purpose of allocating the appropriation in accordance with the provisions of said Chapter; and

Whereas, The Act appropriating said Three Million (\$3,000,000.00) Dollars authorized the Board of Control to audit the books of the Centennial after the Exposition has closed, but makes no provision in said Act for any supervision on the part of either the Board of Control or the Commission of Control for the supervision of concessions, privileges, rentals, leases, and other sources of income by which the State expects to receive back the Three Million (\$3,-

000,000.00) Dollars heretofore appropriated; and

Whereas, The Legislature should have some means of determining whether or not the interest of the State is being guarded in the granting of concessions, privileges, rentals, leases, etc; therefore, be it

Resolved, That the chairman of the Appropriation Committee appoint five members of the House of Representatives to examine and investigate the manner in which leases, rentals, privileges, concessions, and admissions are to be handled on the part of the Texas Centennial Commission, and that said committee be instructed to advise with the Board of Control and the Commission of Control concerning the character of records which shall be kept on the part of the Texas Centennial Exposition in order that upon a final audit of the books of said Exposition, the State will not be at a loss to determine its proper share of the revenues, and that the committee be further instructed to determine with the Board of Control and the Commission of Control the manner in which the Centennial Exposition proposes to safeguard the percentage of receipts which the State is entitled to receive; that said committee shall report back to the Legislature recommendations concerning the character of reports that should be required on the part of the State for the protection of its investment in such Exposition; said reports shall be made at such called session as may be held and the committee shall make a final report not later than December 31, A. D., 1936.

Resolved, That the committee hereby created be limited in expenses not to exceed One Thousand (\$1,000.00) Dollars, which shall include hotel, telegraph, telephone, postage and other expenses necessarily incurred in the discharge of their duties. In addition to such expenses all necessary traveling expenses shall be allowed members of the committee.

All expenses of the committee herein created shall be paid out of the Contingent Fund of the House of Representatives of the Forty-fourth Legislature, including publication of copies of the committee report and the distribution of same to the members of the Legislature.

Provided, further that all expenditures of such committee shall be made upon the sworn accounts of the per-

sons entitled to such pay, and approved by the chairman or vice-chairman and secretary of the committee, all three said officers to be elected at the first meeting of the committee. The secretary shall file with the State Comptroller of Public Accounts a statement showing in detail all expenditures made by such committee, and the amounts and to whom all payments were made.

The resolution was read second time.

Mr. Fox raised a point of order on further consideration of the resolution by Mr. Caldwell, on the ground that the resolution violates Section 8 of Rule I, of the House Rules.

The Chair sustained the point of order.

Mr. Caldwell moved that Section 8 of Rule I, of the House Rules, which relates to the appointment of special committees, be suspended, at this time, for the purpose of considering the above resolution.

The motion was lost.

MEMORIALIZING THE PRESIDENT OF THE UNITED STATES IN REGARD TO FEDERAL AID FOR TEXAS

Mr. Lucas offered the following resolution:

H. C. R. No. 26, Memorializing the President of the United States in regard to Federal aid for Texas.

Whereas, Press reports state that the Federal Government intends discontinuing the extension of relief to unemployables in Texas at an early date; and

Whereas, If such aid should be discontinued during the winter months it would work great hardships on many of our indigent and needy unemployable citizens; and

Whereas, The Constitution of the State of Texas has a prohibition against making grants for such aid except to persons over 65 years of age, and said provision can not be changed except by a vote of the electorate, and such subject can not be submitted to the people of Texas before a Regular Session of the Legislature in 1937; and

Whereas, Texas has shown in the past its willingness to cooperate with the Federal Government in aiding our needy citizens by voting a Twenty Million Dollar Bond Issue for that pur-

pose, which will be exhausted before January 1, 1936; and

Whereas, The people of Texas adopted a Constitutional Amendment August 24 of this year authorizing the Legislature to create an old age assistance system; and

Whereas, The Legislature has passed a bill creating an old age assistance system in Texas and is at this time endeavoring to pass revenue measures to adequately provide for same, but it is not certain that sufficient revenues can be raised at this time to immediately begin and carry out such system; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the President of the United States be memorialized in favor of continuing Federal Aid for the care of unemployables in this State until it is possible for us to provide for them; and, be it further

Resolved, That the Chief Clerk of the House of Representatives forward a copy of this resolution to the President of the United States.

LUCAS,
HUDDLESTON,
CAGLE.

The resolution was read second time, and was adopted.

TO SUSPEND CERTAIN JOINT RULES TO CONSIDER SENATE BILL NO. 27

Mr. Lemens offered the following resolution:

H. C. R. No. 25, To suspend certain Joint Rules to consider Senate Bill No. 27.

Whereas, Senate Bill No. 27 has been passed by the Senate and the House Committee and is now awaiting final action on the part of the House; and

Whereas, The Federal Government has approved the Brazos River Project involving the expenditure in the Brazos River watershed of more than \$30,000,000; and

Whereas, Such project, when work begins, will greatly relieve the relief rolls of the State of Texas for the ensuing year and more particularly during the approaching winter months; and

Whereas, Senate Bill No. 27 is vitally necessary to the final realization of this worthwhile project, making it imperative that final action be had on

Senate Bill No. 27 before final adjournment of this legislative session; now, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That House Joint Rules number 11, 22, and 23 be now suspended for the purpose of taking up, at this time, and finally passing Senate Bill No. 27.

LEMENS,
HODGES,
SHOFNER,
CALVERT,
COWLEY,
FOX,
HUNTER,
NEWTON,
JAMES,
HEAD,
LANNING,
TARWATER,
JONES of Falls,
McCONNELL,
PALMER,
BUTLER,
FAIN.

The resolution was read second time, and was adopted.

(Speaker in the Chair).

RELATIVE TO APPOINTMENT OF CERTAIN INVESTIGATING COMMITTEE

The Speaker laid before the House for consideration at this time, resolution by Mr. Hanna, Providing for the appointment of a committee to investigate conditions in the Public Safety Commission.

The resolution having been read second time on yesterday.

Mr. Adamson moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—72

Adamson	Colquitt
Aikin	Cowley
Alsup	Craddock
Ash	Daniel
Beck	Davison of Fisher
Bourne	Davison
Bradford	of Eastland
Burton	England
Butler of Brazos	Fisher
Cagle	Ford
Calvert	Fox
Canon	Graves

Hardin	Patterson
Harris of Archer	Payne
Herzik	Pope
Hodges	Reed of Bowie
Hofheinz	Roach of Angelina
Howard	Roach of Hunt
Huddleston	Roane
Hunt	Roark
Jones of Falls	Roberts
Jones of Shelby	Russell
Jones of Wise	Rutta
Keefe	Sessions
King	Shofner
Knetsch	Stovall
Lanning	Tarwater
Lindsey	Tennyson
Lotief	Thornton
Luker	Waggoner
Mauritz	Walker
McCalla	Wells
McFarland	Westfall
McKinney	Wood of Harrison
Morris	Wood of Montague
Morrison	Worley
Palmer	

Nays—63

Adkins	Hoskins
Alexander	Hunter
Atchison	Hyder
Bradbury	Jackson
Broyles	James
Butler of Karnes	Jefferson
Caldwell	Jones of Atascosa
Celaya	Latham
Clayton	Leath
Collins	Lemens
Colson	Lucas
Cooper	McConnell
Crossley	McKee
Davis	Moore
Dickison	Newton
Dunagan	Olsen
Dunlap of Hays	Padgett
Duvall	Quinn
Dwyer	Reader
Fain	Reed of Dallas
Farmer	Riddle
Frazer	Rogers
Fuchs	Scarborough
Glass	Settle
Good	Smith
Greathouse	Stanfield
Hankamer	Steward
Hanna	Stinson
Harris of Dallas	Tillery
Hartzog	Venable
Head	Youngblood
Holland	

Absent

Bergman	Lange
Dunlap of Kleberg	Leonard
Gibson	Spears
Gray	

Absent—Excused

Fitzwater	Nicholson
Hill	Petsch
Moffett	Young
Morse	

HOUSE BILL NO. 99 WITH SENATE AMENDMENTS

Mr. Wells called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 99, A bill to be entitled "An Act increasing the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than sixty thousand (60,000), nor more than sixty-one thousand (61,000), according to the last preceding Federal Census; repealing all laws or parts of laws, general or special, in conflict therewith, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Wells, the House concurred in the Senate amendments, by the following vote:

Yeas—127

Adamson	Davis
Adkins	Davisson
Aikin	of Eastland
Alexander	Dickison
Alsup	Dunagan
Ash	Dunlap of Hays
Atchison	Dunlap of Kleberg
Beck	Duvall
Bergman	Dwyer
Bourne	Fain
Bradbury	Farmer
Bradford	Fisher
Broyles	Fox
Burton	Frazer
Butler of Brazos	Fuchs
Butler of Karnes	Glass
Cagle	Good
Caldwell	Graves
Calvert	Gray
Canon	Greathouse
Celaya	Hankamer
Clayton	Hardin
Collins	Harris of Archer
Colquitt	Harris of Dallas
Colson	Hartzog
Cooper	Head
Cowley	Hodges
Craddock	Hofheinz
Daniel	Holland

Hoskins	Patterson
Howard	Petsch
Huddleston	Pope
Hunt	Quinn
Hunter	Reed of Bowie
Ilyder	Reed of Dallas
Jackson	Riddle
James	Roach of Angelina
Jefferson	Roach of Hunt
Jones of Atascosa	Roark
Jones of Falls	Roberts
Jones of Shelby	Rogers
Jones of Wise	Russell
Keefe	Rutta
King	Scarborough
Lanning	Sessions
Latham	Settle
Leath	Shofner
Lemens	Smith
Lindsey	Spears
Lotief	Stanfield
Lucas	Steward
Mauritz	Stinson
McCalla	Stovall
McConnell	Tennyson
McFarland	Thornton
McKee	Venable
McKinney	Waggoner
Moffett	Walker
Moore	Wells
Morris	Westfall
Morrison	Wood of Harrison
Newton	Wood of Montague
Olsen	Worley
Padgett	Youngblood

Nays—2

Davison of Fisher	Roane
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Absent

Crossley	Leonard
England	Luker
Ford	Palmer
Gibson	Payne
Hanna	Reader
Herzik	Tarwater
Knetsch	Tillery
Lange	

Absent—Excused

Fitzwater	Nicholson
Hill	Young
Morse	

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 103, "An Act validating the acts of cities, towns and villages in attempting to adopt the provisions

of cities and towns under authority of Article 961, Revised Civil Statutes of 1925, and validating acts thereafter taken by such cities, towns and villages, with provision that this Act shall not apply in instances wherein the validity of the adoption of such powers is in litigation at the time this Act becomes effective, repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 104, "An Act to create the Sulphur River Conservation and Reclamation District under the authority of Section 59 of Article 16, of the Constitution of Texas authorizing subordinate districts and for the creation and government thereof; defining the powers and duties of said districts; providing for directors and organization and operation of the districts and the authority and duties of said directors; defining the area of the parent and subordinate districts; providing certain duties for the State Board of Water Engineers, State Reclamation Engineer and the Governor of the State; etc., and declaring an emergency."

MESSAGE FROM THE SENATE

Austin, Texas, November 13, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 46.

The following have been appointed on the part of the Senate:

Senators,

BURNS,
ISBELL,
SMALL,
REDDITT,
RAWLINGS.

The Senate has passed the following:

H. B. No. 124, A bill to be entitled "An Act to prohibit the selling, taking or possession for barter or sale of wild fox, or the pelt thereof in Newton and Jasper Counties; to prohibit the killing of wild fox in said counties; providing penalties, and declaring an emergency."

H. B. No. 106, A bill to be entitled "An Act to amend the law controlling fresh water supply districts as embraced in Chapter 4, Title 128 of the

Revised Civil Statutes of Texas, 1925, and contained in Chapter 48, page 107 of the General Laws of Texas, enacted by the Thirty-sixth Legislature at its Second Called Session, as amended, so as to provide for a new Article to said Chapter 4, of said Title 128, to be known as 'Article 7959-a' and providing that where any such fresh water supply districts shall have issued bonds and where there shall not be a sufficient number of qualified voters and resident property owners in said district to constitute its governing body, etc., and declaring an emergency."

H. B. No. 126, A bill to be entitled "An Act to prohibit the trapping or hunting with guns of wild foxes, or having in possession the pelts thereof in Camp County; providing a penalty; providing that farmers or poultry raisers may kill such foxes in the act of actually destroying chickens or other poultry or farm animals; etc., and declaring an emergency."

H. B. No. 99, A bill to be entitled "An Act increasing the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than sixty thousand (60,000), nor more than sixty-one thousand (61,000), according to the last preceding Federal Census; repealing all laws or parts of laws, general or special, in conflict therewith, and declaring an emergency."

(With amendment.)

H. B. No. 111, A bill to be entitled "An Act authorizing the selection and the summoning of a general jury panel for jury service in the district and county courts in counties of Texas wherein two (2) or more district courts are situated and maintained; defining district courts within the meaning of the Act; authorizing the judges of the district and county courts in any such county to meet together at stated intervals and determine the number of jurors necessary for jury service for all district and county courts during a period of two (2) months or as many weeks in advance as they decide upon; etc., and declaring an emergency."

H. B. No. 88, A bill to be entitled "An Act to amend Article 2968 of the 1925 Civil Statutes of Texas, as

amended by the First Called Session of the Forty-first Legislature, providing that the exemption certificates for the poll tax shall be secured before the first day of February, and declaring an emergency."

Has adopted the following:

H. C. R. No. 10, Requesting the Governor to submit the subject of adult probation.

S. C. R. No. 24, Resolving that Educational Authorities of the State arrange appropriate programs, etc.

H. C. R. No. 25, Suspending Joint Rules Nos. 11, 22, and 23 until the final disposition of Senate Bill No. 27.

H. C. R. No. 19, Granting permission to Mrs. Julia Martin to sue the State.

Respectfully,

BOB BARKER,
Secretary of the Senate.

RECESS

On motion of Mr. Fuchs, the House at 12:05 o'clock p. m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

RELATIVE TO PORTRAIT OF PRESIDENT JAMES K. POLK

The Speaker laid before the House for consideration at this time, the following resolution:

S. C. R. No. 19, Relative to portrait of President James K. Polk.

Whereas, Col. William S. Pickett of San Angelo, Texas, is the owner of one of the few paintings of President James K. Polk, he being the descendant of the said James K. Polk; and

Whereas, He has expressed a willingness to donate said painting to the State of Texas; and

Whereas, The campaign slogan during the Polk and Clay campaign was "Polk and Texas" or "Clay and no Texas"; and Polk's election brought about the acquisition of Texas and various other southwestern States, adding more than one million square miles to our territory; and

Whereas, The State of Texas does not possess any painting or likeness

of President Polk and it would be most appropriate for the State to possess such a painting during the Centennial year; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the gracious offer of Col. Pickett be accepted, and that \$135.00 or so much thereof as may be necessary, be appropriated out of the Contingent Funds of the Legislature for reframing and retouching said painting, and that the same be loaned to the Centennial Commission during 1936, after which said painting shall be placed in the Capitol of Texas at such place as may be designated by the Board of Control.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, November 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 66, A bill to be entitled "An Act to provide for payment of the salaries of the ex-officio county superintendents from the County Available School Fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

(With amendments.)

H. B. No. 97, A bill to be entitled "An Act giving L. B. Hammett and wife, Mrs. L. B. Hammett, consent of the Legislature to sue the State of Texas and State Highway Commission for damages resulting from the construction of State Highway No. 6, in and through Grayson County, Texas, fixing the venue of said suit, providing that limitation shall not be pleaded, and declaring an emergency."

H. B. No. 108, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of each respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to

appoint the statutory Board of Equalization, or where the city council, city commission or other governing body of such incorporated city or town have acted as a Board of Equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act authorizing and empowering all cities and towns, including home rule cities, to build and purchase, to mortgage and encumber certain projects, to-wit: parks and/or swimming pools, golf courses, golf course club-houses, ball parks, fair grounds, exposition buildings, airports, and the land upon which the same are situated, and to evidence the obligation therefor by the issuance of bonds, notes or warrants, etc., and declaring an emergency."

H. B. No. 116, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the General Fund of the State of Texas for the Texas Prison System for the fiscal years ending August 31, 1936, and August 31, 1937, respectively, and declaring an emergency."

(With amendment.)

H. B. No. 130, A bill to be entitled "An Act providing a method for the exclusion of lands from fresh water supply districts in counties having a population of not more than 20,000 or not less than 3,000, according to the last preceding Federal Census, and embracing not less than 100,000 acres, which districts have no outstanding bonded indebtedness; providing for the alteration of the boundaries of such districts so as to exclude the lands; and declaring an emergency."

(With amendments.)

H. B. No. 115, A bill to be entitled "An Act to validate the bonds of water improvement districts and of water control and improvement districts where such bonds have been issued by the district and approved by the Attorney General of the State of Texas, notwithstanding the fact that such bonds were not validated by a suit in the district court as required by law; etc., and declaring an emergency."

H. B. No. 107, A bill to be entitled "An Act to amend Section 7 of House Bill No. 131, Chapter 247, enacted by the Forty-third Legislature at the Regular Session, page 867 of the Session Acts of said term which is also Article 52, Section 161 of the Code of Criminal Procedure 1935, Supplement to Vernon's Revised Statutes, changing the terms of court of the Criminal District Court of Bexar County, Texas."

H. B. No. 122, A bill to be entitled "An Act amending House Bill No. 327, Chapter 350, of the General Laws of the State of Texas as passed by the Forty-fourth Legislature, 1935 Regular Session, by adding thereto a section to be known as Section 6a, providing that a common school district in a county whose population, as shown by the last Federal Census, is between forty-three thousand and one (43,001) and forty-three thousand and one hundred (43,100) inhabitants, and which district has a current levy of fifty (50) cents on the one hundred dollars property valuation, and has voted a tax levy of seventy-five (75) cents on the one hundred dollar valuation, may receive aid for a one-teacher school for the year 1935-36; repealing all laws in conflict therewith, and declaring an emergency."

Adopted

S. C. R. No. 25, Granting J. C. Trachta, his heirs, executors and administrators permission to sue the State.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 10 ON SECOND
READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 10, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than thirty thousand (30,000), and not more than thirty thousand and twenty-nine (30,029), and in counties with a population of

not less than eighteen thousand four hundred twenty-five (18,425) and not more than eighteen thousand five hundred twenty-eight (18,528), according to the last preceding Federal Census, repealing all laws and parts of laws, general or special, in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Daniel offered the following committee amendment to the bill:

Amend Senate Bill No. 10 by striking out Section 1 and substituting in lieu thereof the following:

"Section 1. In counties having a population of not less than thirty thousand (30,000) and not more than thirty thousand and twenty-nine (30,029), and counties having a population of not less than eighteen thousand four hundred twenty-five (18,425) and not more than eighteen thousand five hundred twenty-eight (18,528), and counties having a population of not less than forty-three thousand one hundred (43,100) and not more than forty-three thousand three hundred (43,300), according to the last preceding Federal Census, the county boards of trustees may make such provisions as they deem necessary for office and traveling expenses of the county superintendent of public instruction; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of six hundred (\$600.00) dollars per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the county superintendent."

Mr. Lucas offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 10 by inserting the following: "and counties having a population of not less than 30,400 and not more than 30,600."

The amendment was adopted.

Mr. Bradford offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 10 by adding in line 21, after the words and figures "43,300" the following: "and counties having a population of not less

than 10,153 inhabitants and not more than 10,156 inhabitants."

The amendment was adopted.

The committee amendment, as amended, was then adopted.

Mr. Ash offered the following amendment to the bill:

Amend Senate Bill No. 10 by inserting the following after the figures "(43,300)" in line 21, page 3: "and counties having a population of not less than twenty-three thousand eight hundred eighty (23,880) and not more than twenty-three thousand nine hundred (23,900)."

The amendment was adopted.

Mr. Rutta offered the following amendments to the bill:

Amend Senate Bill No. 10, Section 1, by inserting in proper place the following: "and counties having a population of not less than 19,100 and not more than 19,150."

Amend Senate Bill No. 10, Section 1, by inserting in proper place the following: "and in counties having a population of not less than 18,850 and not more than 18,875."

The amendments were severally adopted.

Mr. Keefe offered the following amendment to the bill:

Amend Senate Bill No. 10, Section 1, by adding the following: "and in counties having a population of not less than thirty-four thousand (34,000) and not more than thirty-five thousand five hundred (35,500)."

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 10 was then passed to third reading.

SENATE BILL NO. 10 ON THIRD READING

Mr. Daniel, moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100

Adamson	Holland
Adkins	Huddleston
Aikin	Hunt
Alexander	Jackson
Alsup	Jefferson
Ash	Jones of Falls
Atchison	Jones of Shelby
Bergman	Jones of Wise
Bourne	Keefe
Bradbury	King
Bradford	Lanning
Broyles	Latham
Burton	Lemens
Butler of Brazos	Lindsey
Butler of Karnes	Lotief
Cagle	Lucas
Caldwell	Mauritz
Calvert	McConnell
Celaya	McFarland
Clayton	McKinney
Collins	Moffett
Colquitt	Morris
Colson	Newton
Cooper	Olsen
Cowley	Padgett
Craddock	Palmer
Daniel	Quinn
Davis	Reed of Bowie
Davison of Fisher	Reed of Dallas
Davison	Riddle
of Eastland	Roach of Angelina
Dunagan	Roach of Hunt
Dunlap of Hays	Roberts
Dwyer	Rogers
England	Rutta
Farmer	Scarborough
Fisher	Sessions
Fox	Settle
Glass	Shofner
Good	Stanfield
Graves	Steward
Greathouse	Stinson
Hankamer	Tennyson
Hanna	Thornton
Hardin	Venable
Harris of Archer	Waggoner
Harris of Dallas	Wells
Hartzog	Wood of Harrison
Herzik	Wood of Montague
Hodges	Worley
Hofheinz	

Nays—9

Crossley	Stovall
Fain	Tillery
Fuchs	Walker
Luker	Westfall
Moore	

Absent

Beck	Dickison
Canon	Dunlap of Kleberg

Duvall	Leonard
Ford	McCalla
Frazer	McKee
Gibson	Morrison
Gray	Patterson
Head	Payne
Hoskins	Pope
Howard	Reader
Hunter	Roane
Hyder	Roark
James	Russell
Jones of Atascosa	Smith
Knetsch	Spears
Lange	Tarwater
Leath	Youngblood

Absent—Excused

Fitzwater	Nicholson
Hill	Petsch
Morse	Young

The Speaker then laid Senate Bill No. 10 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL NO. 130 WITH
SENATE AMENDMENTS

Mr. Hankamer called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 130, A bill to be entitled "An Act providing a method for the exclusion of lands from fresh water supply districts in counties having a population of not more than 20,000 or not less than 3,000, according to the last preceding Federal Census, and embracing not less than 100,000 acres, which districts have no outstanding bonded indebtedness; providing for the alteration of the boundaries of such districts so as to exclude the lands; and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Hankamer, the House concurred in the Senate amendments by the following vote:

Yeas—116

Adamson	Bourne
Adkins	Bradbury
Aikin	Bradford
Alexander	Broyles
Alsup	Burton
Ash	Butler of Karnes
Atchison	Caldwell
Bergman	Calvert

Celaya	Lemens
Clayton	Leonard
Collins	Lindsey
Colquitt	Lotief
Colson	Lucas
Cooper	Mauritz
Cowley	McConnell
Craddock	McFarland
Daniel	McKee
Davis	McKinney
Davisson	Moffett
of Eastland	Moore
Dickison	Morris
Dunlap of Hays	Morrison
Duvall	Newton
England	Olsen
Fain	Palmer
Farmer	Patterson
Fisher	Fope
Ford	Quinn
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Good	Roach of Angelina
Graves	Roach of Hunt
Greathouse	Roane
Hankamer	Roark
Hanna	Roberts
Hardin	Rogers
Harris of Dallas	Rutta
Hartzog	Scarborough
Herzik	Sessions
Hill	Settle
Hodges	Shofner
Hofheinz	Smith
Holland	Stanfield
Huddleston	Steward
Hunt	Stinson
Jackson	Stovall
James	Tarwater
Jefferson	Jennyson
Jones of Atascosa	Thornton
Jones of Falls	Venable
Jones of Shelby	Waggoner
Jones of Wise	Walker
Keefe	Wells
King	Westfall
Knetsch	Wood of Harrison
Lanning	Worley
Latham	Youngblood
Leath	

Nays—2

Davison of Fisher Luker

Present—Not Voting

Cagle Crossley

Absent

Beck	Dunlap of Kleberg
Butler of Brazos	Dwyer
Canon	Fox
Dunagan	Frazer

Gray	McCalla
Harris of Archer	Padgett
Head	Payne
Hoskins	Reader
Howard	Russell
Hunter	Spears
Hyder	Tillery
Lange	Wood of Montague

Absent—Excused

Fitzwater	Petsch
Morse	Young
Nicholson	

SENATE BILL NO. 19 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 19, A bill to be entitled "An Act ratifying, confirming and validating all acts of county boards of trustees in laying out or attempting to establish, combine, abolish or change any independent or common school district under the provisions of Chapter 339, Acts, Regular Session, Forty-fourth Legislature, 1935, or under Chapter 151, Acts Regular Session, Forty-fourth Legislature, 1935, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 19 ON THIRD READING

Mr. Settle moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—125

Adamson	Caldwell
Adkins	Calvert
Aikin	Canon
Alexander	Celaya
Alsup	Clayton
Atchison	Collins
Bergman	Colquitt
Bourne	Colson
Bradbury	Cooper
Bradford	Cowley
Broyles	Craddock
Burton	Crossley
Butler of Karnes	Daniel
Cagle	Davis

Davison of Fisher	Lucas
Davisson	Luker
of Eastland	Mauritz
Dickison	McCalla
Dwyer	McConnell
England	McFarland
Fain	McKee
Farmer	McKinney
Fisher	Moffett
Ford	Moore
Fox	Morris
Fuchs	Morrison
Gibson	Newton
Glass	Olsen
Good	Palmer
Graves	Patterson
Gray	Quinn
Greathouse	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Hardin	Riddle
Harris of Archer	Roach of Angelina
Harris of Dallas	Roach of Hunt
Hartzog	Roane
Head	Roark
Herzik	Roberts
Hill	Rogers
Hodges	Russell
Hofheinz	Rutta
Holland	Scarborough
Hoskins	Sessions
Huddleston	Settle
Hunt	Shofner
Hyder	Smith
Jackson	Stanfield
James	Steward
Jefferson	Stinson
Jones of Atascosa	Stovall
Jones of Falls	Tarwater
Jones of Shelby	Tennyson
Jones of Wise	Thornton
King	Venable
Knetsch	Waggoner
Lanning	Walker
Latham	Wells
Leath	Westfall
Leonard	Wood of Harrison
Lindsey	Worley
Lotief	Youngblood

Absent

Ash	Keefe
Beck	Lange
Butler of Brazos	Lemens
Dunagan	Padgett
Dunlap of Hays	Payne
Dunlap of Kleberg	Pope
Duvall	Spears
Frazer	Tillery
Howard	Wood of Montague
Hunter	

Absent—Excused

Fitzwater	Fetsch
Morse	Young
Nicholson	

The Speaker then laid Senate Bill No. 19 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—127

Adamson	Harris of Archer
Adkins	Harris of Dallas
Aikin	Hartzog
Alexander	Head
Alsup	Herzik
Ash	Hill
Atchison	Hodges
Bergman	Hofheinz
Bourne	Holland
Bradbury	Hoskins
Bradford	Howard
Broyles	Huddleston
Burton	Hunt
Butler of Karnes	Hyder
Cagle	Jackson
Caldwell	James
Calvert	Jefferson
Canon	Jones of Atascosa
Celaya	Jones of Falls
Clayton	Jones of Shelby
Collins	Jones of Wise
Colquitt	Keefe
Colson	King
Cooper	Knetsch
Cowley	Lanning
Craddock	Latham
Crossley	Leath
Daniel	Lemens
Davis	Leonard
Davison of Fisher	Lindsey
Davisson	Lotief
of Eastland	Lucas
Dickison	Mauritz
Dunagan	McCalla
Dwyer	McConnell
England	McFarland
Fain	McKee
Farmer	McKinney
Fisher	Moffett
Ford	Moore
Fox	Morris
Fuchs	Morrison
Gibson	Newton
Glass	Olsen
Good	Palmer
Graves	Patterson
Gray	Pope
Greathouse	Quinn
Hankamer	Reader
Hanna	Reed of Bowie
Hardin	Reed of Dallas

Riddle	Stanfield
Roach of Angelina	Steward
Roane	Stovall
Roark	Tarwater
Roberts	Tennyson
Rogers	Thornton
Russell	Venable
Rutta	Waggoner
Scarborough	Walker
Sessions	Westfall
Settle	Wood of Harrison
Shofner	Worley
Smith	Youngblood

Absent

Beck	Padgett
Butler of Brazos	Payne
Dunlap of Hays	Roach of Hunt
Dunlap of Kleberg	Spears
Duvall	Stinson
Frazer	Tillery
Hunter	Wells
Lange	Wood of Montague
Luker	

Absent—Excused

Fitzwater	Petsch
Morse	Young
Nicholson	

SENATE BILL NO. 23 ON SECOND
READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 23, A bill to be entitled "An Act validating an election held under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, transferring certain lands from the Badgett Common School District No. 4 in Martin County, Texas, to Courtney Independent School District No. 5, Martin County, Texas, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 23 ON THIRD
READING

Mr. Bradford moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—131

Adamson	Aikin
Adkins	Alexander

Alsup	Jones of Falls
Atchison	Jones of Shelby
Beck	Jones of Wise
Bergman	Keefe
Bourne	King
Bradbury	Knetsch
Bradford	Lanning
Broyles	Latham
Burton	Leath
Butler of Brazos	Lemens
Butler of Karnes	Leonard
Cagle	Lindsey
Caldwell	Lotief
Calvert	Lucas
Canon	Luker
Celaya	Mauritz
Clayton	McCalla
Collins	McConnell
Colquitt	McFarland
Colson	McKee
Cooper	McKinney
Cowley	Moffett
Craddock	Moore
Crossley	Morris
Daniel	Morrison
Davis	Newton
Davison of Fisher	Olsen
Davison	Padgett
of Eastland	Palmer
Dickison	Patterson
Dwyer	Pope
England	Quinn
Fain	Reed of Bowie
Farmer	Reed of Dallas
Fisher	Riddle
Ford	Roach of Angelina
Fox	Roach of Hunt
Fuchs	Roane
Gibson	Roark
Glass	Roberts
Good	Rogers
Graves	Russell
Gray	Rutta
Greathouse	Scarborough
Hankamer	Sessions
Hanna	Settle
Hardin	Shofner
Harris of Archer	Smith
Harris of Dallas	Spears
Hartzog	Steward
Head	Stinson
Herzik	Stovall
Hill	Tarwater
Hodges	Tennyson
Hofheinz	Thornton
Holland	Venable
Hoskins	Waggoner
Howard	Walker
Huddleston	Wells
Hunt	Westfall
Jackson	Wood of Harrison
James	Wood of Montague
Jefferson	Worley
Jones of Atascosa	Youngblood

Absent

Ash	Hyder
Dunagan	Lange
Dunlap of Hays	Payne
Dunlap of Kleberg	Reader
Duvall	Stanfield
Frazer	Tillery
Hunter	

Absent—Excused

Fitzwater	Petsch
Morse	Young
Nicholson	

The Speaker then laid Senate Bill No. 23 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—126

Adamson	Gibson
Adkins	Glass
Aikin	Good
Alexander	Graves
Alsup	Gray
Ash	Greathouse
Atchison	Hankamer
Beck	Hanna
Bourne	Hardin
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Broyles	Hartzog
Burton	Herzik
Butler of Brazos	Hill
Butler of Karnes	Hodges
Caldwell	Hofheinz
Calvert	Holland
Canon	Hoskins
Celaya	Howard
Clayton	Huddleston
Collins	Hunt
Colson	Hunter
Cooper	Jackson
Cowley	James
Craddock	Jefferson
Crossley	Jones of Falls
Daniel	Jones of Shelby
Davis	Jones of Wise
Davison of Fisher	Keefe
Davison	King
of Eastland	Knetsch
Dickison	Lanning
Dunagan	Latham
Dunlap of Hays	Leath
Dwyer	Lemens
England	Leonard
Fain	Lindsey
Farmer	Lotief
Fisher	Lucas
Ford	Mauritz
Fox	McCalla
Fuchs	McConnell

McFarland
McKee
McKinney
Moffett
Moore
Morris
Morrison
Olsen
Padgett
Palmer
Patterson
Pope
Quinn
Reed of Bowie
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roane
Roark
Roberts
Rogers

Russell
Rutta
Scarborough
Sessions
Shofner
Smith
Spears
Steward
Stovall
Tarwater
Tennyson
Thornton
Venable
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley
Youngblood

Present—Not Voting

Cagle

Absent

Bergman	Luker
Colquitt	Newton
Dunlap of Kleberg	Payne
Duvall	Reader
Frazer	Settle
Head	Stanfield
Hyder	Stinson
Jones of Atascosa	Tillery
Lange	

Absent—Excused

Fitzwater	Petsch
Morse	Young
Nicholson	

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

The following members of the Conference Committee on House Bill No. 77, were granted temporary leaves of absence for this morning, on account of important committee work on House Bill No. 77:

Messrs. Bradbury, Moffett, Petsch, Morse and Young.

Mr. Hill was granted leave of absence for this morning, on account of illness.

SENATE BILL NO. 18 ON SECOND READING

On motion of Mr. McKinney, the Seventy-two Hour House Rule and Forty-eight Hour House Rule were suspended for the purpose of taking

up and considering, at this time, Senate Bill No. 18.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 18, A bill to be entitled "An Act amending Chapter 5, Acts of the Second Called Session of the Forty-third Legislature, as amended by Chapter 23 of the Acts of the Regular Session of the Forty-fourth Legislature, and by Chapter 204, Acts of the Regular Session of the Forty-fourth Legislature, by making more specific the application of the Act to the building of libraries, gymnasias, athletic buildings and stadia; conferring definite power on the governing boards of the educational institutions named to fix fees and charges against students for the use of any and all buildings constructed under this law as amended, and declaring an emergency."

The bill was read second time.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 18 as follows:

Strike out in Section 2, on page 3, these words "Four (\$4.00) Dollars" and substitute therefor these words:

"Two (\$2.00) Dollars."

The amendment was lost.

Senate Bill No. 18 was then passed to third reading.

SENATE BILL NO. 18 ON THIRD READING

Mr. McKinney moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Adamson	Butler of Karnes
Aikin	Cagle
Alexander	Caldwell
Alsup	Calvert
Ash	Canon
Atchison	Celaya
Bergman	Clayton
Bourne	Collins
Bradbury	Colquitt
Bradford	Colson
Butler of Brazos	Cooper

Cowley	Lindsey
Craddock	Lotief
Daniel	Mauritz
Davis	McCalla
Davisson	McConnell
of Eastland	McFarland
Dickison	McKee
Dunagan	McKinney
Dunlap of Hays	Moffett
Dunlap of Kleberg	Moore
Farmer	Morris
Fisher	Morrison
Ford	Morse
Fox	Newton
Fuchs	Padgett
Glass	Patterson
Graves	Pope
Greathouse	Quinn
Hankamer	Reader
Hanna	Reed of Bowie
Harris of Dallas	Riddle
Hartzog	Roach of Angelina
Head	Roach of Hunt
Herzik	Roark
Hill	Rogers
Hodges	Rutta
Hofheinz	Scarborough
Holland	Settle
Hoskins	Shofner
Howard	Smith
Hunt	Stanfield
Hunter	Steward
Hyder	Stinson
Jackson	Tarwater
Jones of Falls	Tennyson
Jones of Shelby	Thornton
Jones of Wise	Waggoner
King	Walker
Lanning	Wood of Harrison
Latham	Wood of Montague
Lemens	Worley
Leonard	Youngblood

Nays—14

Adkins	Palmer
Broyles	Reed of Dallas
Burton	Roane
England	Russell
Fain	Stovall
Lucas	Venable
Luker	Wells

Absent

Beck	Harris of Archer
Crossley	Huddleston
Davison of Fisher	James
Duvall	Jefferson
Dwyer	Jones of Atascosa
Frazer	Keefe
Gibson	Knetsch
Good	Lange
Gray	Leath
Hardin	Olsen

Payne	Spears
Roberts	Tillery
Sessions	Westfall

Absent—Excused

Fitzwater	Petsch
Nicholson	Young

The Speaker then laid Senate Bill No. 18 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—117

Adamson	Hodges
Aikin	Hofheinz
Alexander	Holland
Alsup	Hoskins
Ash	Howard
Atchison	Hunt
Bergman	Hunter
Bourne	Hyder
Bradbury	Jackson
Butler of Karnes	James
Cagle	Jefferson
Caldwell	Jones of Atascosa
Calvert	Jones of Falls
Canon	Jones of Shelby
Celaya	Jones of Wise
Clayton	Keefe
Collins	King
Colquitt	Knetsch
Colson	Lanning
Cooper	Latham
Cowley	Leath
Craddock	Lemens
Daniel	Leonard
Davis	Lindsey
Davisson	Mauritz
of Eastland	McCalla
Dickison	McConnell
Dunagan	McFarland
Dunlap of Hays	McKee
Dunlap of Kleberg	McKinney
Dwyer	Moffett
Farmer	Moore
Fisher	Morris
Ford	Morrison
Fox	Morse
Frazer	Newton
Gibson	Olsen
Glass	Padgett
Good	Patterson
Graves	Pope
Greathouse	Quinn
Hankamer	Reader
Hanna	Reed of Bowie
Harris of Dallas	Riddle
Hartzog	Roach of Angelina
Head	Roach of Hunt
Herzik	Roark
Hill	Roberts

Rogers	Stovall
Russell	Tarwater
Rutta	Tennyson
Sessions	Thornton
Settle	Waggoner
Shofner	Walker
Smith	Westfall
Spears	Wood of Harrison
Stanfield	Wood of Montague
Steward	Worley
Stinson	Youngblood

Nays—18

Adkins	Lotief
Broyles	Lucas
Burton	Luker
Butler of Brazos	Palmer
Fain	Reed of Dallas
Fuchs	Roane
Gray	Scarborough
Hardin	Venable
Huddleston	Wells

Absent

Beck	England
Bradford	Harris of Archer
Crossley	Lange
Davison of Fisher	Payne
Duvall	Tillery

Absent—Excused

Fitzwater	Petsch
Nicholson	Young

EXTENDING PRIVILEGES OF THE FLOOR TO HON. GUINN WILLIAMS

Mr. Jones of Wise offered the following resolution:

Whereas, The Honorable Guinn Williams is today a visitor in the City of Austin; and

Whereas, Mr. Williams for many years served with distinction in the United States Congress as Representative of the 13th Congressional District; and

Whereas, He served for many years as a valuable member of the State Senate from Wise County; now, therefore, be it

Resolved, That Mr. Williams be granted the privileges of the floor for the remainder of the day and for such time as he remains in the City of Austin.

JONES of Wise,
WOOD of Montague,
HARRIS of Archer,
HYDER.

The resolution was read second time, and was adopted.

TO GRANT J. C. TRACHTA PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 25, To grant J. C. Trachta permission to sue the State.

Whereas, It is alleged that on or about the 18th day of July, 1935, an automobile belonging to J. C. Trachta of Muenster, Texas, in which his wife, Mrs. Bertha Trachta, Mrs. Bertha Hoenig and Mrs. Enders, all of Muenster, Texas, were riding, collided with a truck owned by the State Highway Department of the State of Texas, and being operated by an employee of said department; and

Whereas, Mrs. Bertha Trachta and Mrs. Bertha Hoenig were instantly killed in said collision of automobile and Highway Department truck; and

Whereas, It is alleged that said automobile was completely demolished by said collision which occurred on State Highway No. 5 between the Cities of Whitesboro and Gainsville, Texas; and

Whereas, It is alleged that said J. C. Trachta has never been compensated by the State of Texas or the Highway Department for damages resulting from said collision; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That said J. C. Trachta, his heirs, executors and administrators, be, and they are hereby, granted permission to bring suit against the State of Texas and against the Highway Department of the State of Texas, in any court of competent jurisdiction in Cooke County, Texas or in Travis County, Texas, as the plaintiff may elect, in order to ascertain, fix and award, the amount of money, if any, the said J. C. Trachta, his heirs, executors and administrators are entitled to receive from the State of Texas, as compensation for the death of his wife, Bertha Trachta, and the demolishing of his automobile and resulting damages, and that, in case such suit be filed, service of citation, or other necessary process shall be had upon any member of the State Highway Commission of Texas, and that the same have the same force and effect as made and provided in civil cases.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

TO SUSPEND CERTAIN JOINT RULES TO CONSIDER HOUSE BILL NO. 127

Mr. Jefferson offered the following resolution:

H. C. R. No. 28, To suspend certain Joint Rules to consider House Bill No. 127.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules No. 11, 22 and 23 be now suspended for the purpose of taking up, at this time, and finally passing House Bill No. 127, by both Houses.

The resolution was read second time, and was adopted.

SENATE BILL NO. 30 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 30, A bill to be entitled "An Act authorizing cities having a population of more than 3,500 and not exceeding 4,000 inhabitants, and which are not served either by a natural gas or artificial gas distribution system to acquire by purchase or otherwise a system to make available and to distribute to their inhabitants who subscribe for the service, a gas for fuel and lighting purposes manufactured and compounded in the manner herein prescribed; and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 30 ON THIRD READING

Mr. Bradford moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 30 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Adamson
Adkins

Aikin
Alexander

Ash	Jones of Wise
Beck	Keefe
Bourne	King
Bradbury	Knetsch
Bradford	Lanning
Broyles	Latham
Burton	Leath
Butler of Brazos	Lemens
Butler of Karnes	Lindsey
Cagle	Lotief
Calvert	Lucas
Canon	Mauritz
Celaya	McCalla
Clayton	McConnell
Collins	McKee
Colquitt	McKinney
Colson	Moffett
Cooper	Moore
Cowley	Morris
Crossley	Morrison
Daniel	Morse
Davis	Newton
Davison of Fisher	Olsen
Davisson	Padgett
of Eastland	Palmer
Dickison	Patterson
Dunagan	Payne
Dunlap of Hays	Pope
Dunlap of Kleberg	Quinn
Duvall	Reader
Dwyer	Reed of Bowie
England	Reed of Dallas
Fain	Riddle
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Ford	Roane
Fox	Roark
Frazer	Roberts
Gibson	Rogers
Glass	Russell
Good	Rutta
Graves	Scarborough
Gray	Sessions
Hanna	Settle
Hardin	Shofner
Harris of Archer	Smith
Harris of Dallas	Spears
Hartzog	Stanfield
Head	Steward
Herzik	Stovall
Hill	Tarwater
Hodges	Tennyson
Holland	Thornton
Hoskins	Venable
Howard	Waggoner
Huddleston	Walker
Hunter	Wells
Hyder	Westfall
Jackson	Wood of Harrison
James	Wood of Montague
Jones of Atascosa	Worley
Jones of Falls	Youngblood
Jones of Shelby	

Absent

Alsup	Hunt
Atchison	Jefferson
Bergman	Lange
Caldwell	Leonard
Craddock	Luker
Fuchs	McFarland
Greathouse	Stinson
Hankamer	Tillery
Hofheinz	

Absent—Excused

Fitzwater	Petsch
Nicholson	Young

The Speaker then laid Senate Bill No. 30 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—127

Adamson	Glass
Adkins	Good
Aikin	Graves
Alexander	Gray
Alsup	Hankamer
Ash	Hanna
Atchison	Hardin
Beck	Harris of Archer
Bergman	Harris of Dallas
Bourne	Hartzog
Bradbury	Head
Bradford	Herzik
Broyles	Hill
Burton	Hodges
Butler of Brazos	Hofheinz
Butler of Karnes	Holland
Caldwell	Hoskins
Canon	Howard
Celaya	Huddleston
Clayton	Hunter
Collins	Hyder
Colquitt	Jackson
Cooper	James
Cowley	Jones of Atascosa
Crossley	Jones of Falls
Davis	Jones of Shelby
Davison of Fisher	Jones of Wise
Dickison	Keefe
Dunagan	Knetsch
Dunlap of Hays	Lanning
Dunlap of Kleberg	Latham
Duvall	Leath
Dwyer	Lemens
England	Lindsey
Fain	Lotief
Farmer	Lucas
Fisher	Mauritz
Ford	McCalla
Fox	McConnell
Frazer	McKee
Gibson	McKinney

Moffett	Rutta
Moore	Scarborough
Morris	Sessions
Morrison	Settle
Newton	Shofner
Olsen	Smith
Padgett	Stanfield
Palmer	Steward
Patterson	Stinson
Payne	Stovall
Pope	Tarwater
Quinn	Tennyson
Reader	Thornton
Reed of Bowie	Tillery
Reed of Dallas	Venable
Riddle	Walker
Roach of Angelina	Wells
Roach of Hunt	Westfall
Roane	Wood of Harrison
Roark	Wood of Montague
Roberts	Worley
Rogers	Youngblood
Russell	

Present—Not Voting

Cagle

Absent

Calvert	Jefferson
Colson	King
Craddock	Lange
Daniel	Leonard
Davisson	Luker
of Eastland	McFarland
Fuchs	Spears
Greathouse	Waggoner
Hunt	

Absent—Excused

Fitzwater	Petsch
Morse	Young
Nicholson	

HOUSE BILL NO. 116 WITH SENATE AMENDMENTS

Mr. McKinney called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 116, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the General Fund of the State of Texas for the Texas Prison System for the fiscal years ending August 31, 1936, and August 31, 1937, respectfully, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. McKinney moved that the House do not concur in the Senate

amendments, and that a Conference Committee be requested to adjust the differences between the House and Senate on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee:

Messrs. McKinney, King, Hyder, Jones of Atascosa and Davis.

MESSAGE FROM THE SENATE

Austin, Texas, November 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 11, Granting J. D. George, The J. D. George Construction Co., and the Valley Dredging Co., permission to sue the State.

H. C. R. No. 15, Granting Mrs. Fannie Williams permission to sue the State.

H. C. R. No. 26, Requesting the continuance of Federal Relief in Texas.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 27 ON SECOND READING

On motion of Mr. Lemens, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule, were suspended for the purpose of taking up and considering, at this time, Senate Bill No. 27.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 27, A bill to be entitled "An Act making an appropriation out of the General Revenue Funds of the State of Texas for the Brazos River Conservation and Reclamation District, and declaring an emergency."

The bill was read second time.

Mr. Reed of Bowie moved that further consideration of Senate Bill No. 27, be postponed until 5:50 o'clock p. m., tomorrow.

Mr. Lemens moved to table the motion by Mr. Reed of Bowie.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—120

Adamson	Hoskins
Adkins	Howard
Aikin	Huddleston
Alexander	Hunt
Ash	Hunter
Atchison	Hyder
Beck	Jackson
Bourne	James
Bradbury	Jones of Atascosa
Bradford	Jones of Falls
Broyles	Jones of Shelby
Burton	Jones of Wise
Butler of Brazos	Keefe
Butler of Karnes	King
Cagle	Lanning
Caldwell	Latham
Calvert	Leath
Canon	Lemens
Celaya	Lindsey
Clayton	Lotief
Collins	Lucas
Colquitt	Mauritz
Colson	McConnell
Cooper	McFarland
Cowley	McKee
Craddock	McKinney
Crossley	Moffett
Daniel	Moore
Davis	Morrison
Davison of Fisher	Morse
Davison	Newton
of Eastland	Olsen
Dickison	Padgett
Dunlap of Hays	Palmer
Dunlap of Kleberg	Pope
Duvall	Quinn
Dwyer	Reed of Dallas
England	Riddle
Fain	Roach of Angelina
Fisher	Roach of Hunt
Ford	Roane
Fox	Roberts
Frazer	Rogers
Fuchs	Rutta
Glass	Scarborough
Good	Sessions
Gray	Settle
Greathouse	Shofner
Hankamer	Smith
Hanna	Spears
Hardin	Stanfield
Harris of Archer	Steward
Harris of Dallas	Stinson
Hartzog	Stovall
Head	Tarwater
Hill	Tennyson
Hodges	Thornton
Hofheinz	Waggoner
Holland	Walker

Westfall
Worley

Young

Nays—13

Alsup	Russell
Bergman	Tillery
Farmer	Venable
Knetsch	Wood of Harrison
Luker	Wood of Montague
Reed of Bowie	Youngblood
Roark	

Absent

Dunagan	McCalla
Gibson	Morris
Graves	Patterson
Herzik	Payne
Jefferson	Reader
Lange	Wells
Leonard	

Absent—Excused

Fitzwater
Nicholson

Petsch

Mr. Reed of Bowie offered the following amendment to the bill:

Amend Senate Bill No. 27, Section 1, by striking out the words and figures "Two Hundred Thousand (\$200,000.00) Dollars" and inserting in lieu thereof the words and figures "Fifty Thousand (\$50,000.00) Dollars."

On motion of Mr. Lemens, the amendment was tabled.

Mr. Reed of Bowie offered the following amendment to the bill:

Amend Senate Bill No. 27, Section 1, by striking out the words and figures "Two Hundred Thousand (\$200,000.00) Dollars" and inserting in lieu thereof words and figures "One Hundred Thousand (\$100,000.00) Dollars."

The amendment was lost.

Mr. Wood of Harrison offered the following amendment to the bill:

Amend Senate Bill No. 27, page 1, Section 1, by adding the following after the word district:

"Together with six per cent (6%) interest."

On motion of Mr. Lemens, the amendment was tabled.

Senate Bill No. 27 was then passed to third reading.

SENATE BILL NO. 27 ON THIRD READING

Mr. Lemens moved that the constitutional rule, requiring bills to be read on three several days, be sus-

pending, and that Senate Bill No. 27 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adamson	Jefferson
Adkins	Jones of Atascosa
Alexander	Jones of Falls
Ash	Jones of Shelby
Atchison	Jones of Wise
Bourne	Keefe
Bradbury	King
Bradford	Lanning
Burton	Leath
Butler of Brazos	Lemens
Cagle	Lindsey
Canon	Lotief
Celaya	Lucas
Clayton	McConnell
Collins	McFarland
Colquitt	McKee
Colson	McKinney
Cooper	Moffett
Cowley	Moore
Craddock	Morris
Crossley	Morrison
Daniel	Morse
Davis	Newton
Davisson	Olsen
of Eastland	Padgett
Dickison	Palmer
Dunagan	Patterson
Dunlap of Hays	Pope
Dwyer	Quinn
England	Reader
Fain	Reed of Dallas
Fisher	Riddle
Ford	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roane
Fuchs	Roberts
Greathouse	Rogers
Hankamer	Rutta
Hanna	Scarborough
Hardin	Sessions
Harris of Archer	Settle
Harris of Dallas	Shofner
Hartzog	Smith
Head	Spears
Herzik	Stanfield
Hill	Steward
Hodges	Stinson
Hofheinz	Stovall
Holland	Tarwater
Hoskins	Tennyson
Howard	Thornton
Huddleston	Waggoner
Hunt	Walker
Hunter	Wells
Hyder	Westfall
Jackson	Worley
James	Youngblood

Nays—19

Aikin	Luker
Alsup	Reed of Bowie
Beck	Roark
Bergman	Russell
Broyles	Tillery
Davison of Fisher	Venable
Farmer	Wood of Harrison
Gibson	Wood of Montague
Glass	Young
Latham	

Absent

Butler of Karnes	Gray
Caldwell	Knetsch
Calvert	Lange
Dunlap of Kleberg	Leonard
Duvall	Mauritz
Good	McCalla
Graves	Payne

Absent—Excused

Fitzwater	Petsch
Nicholson	

The Speaker then laid Senate Bill No. 27 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—115

Adamson	Fain
Adkins	Fisher
Alexander	Ford
Ash	Fox
Atchison	Frazer
Bourne	Fuchs
Bradbury	Greathouse
Bradford	Hankamer
Burton	Hanna
Butler of Brazos	Hardin
Butler of Karnes	Harris of Archer
Cagle	Harris of Dallas
Canon	Hartzog
Celaya	Head
Clayton	Hill
Collins	Hodges
Colquitt	Hofheinz
Colson	Holland
Cooper	Howard
Cowley	Huddleston
Craddock	Hunt
Crossley	Hunter
Daniel	Hyder
Davis	Jackson
Davisson	James
of Eastland	Jefferson
Dickison	Jones of Atascosa
Dunagan	Jones of Falls
Dunlap of Hays	Jones of Shelby
Dwyer	Jones of Wise
England	Keefe

King	Riddle
Lanning	Roach of Angelina
Lemens	Roach of Hunt
Leonard	Roane
Lindsey	Roark
Lotief	Roberts
Lucas	Rogers
Luker	Rutta
Mauritz	Scarborough
McConnell	Sessions
McFarland	Settle
McKee	Shofner
McKinney	Smith
Moffett	Spears
Moore	Stanfield
Morris	Steward
Morrison	Stinson
Morse	Tarwater
Newton	Tennyson
Olsen	Thornton
Padgett	Waggoner
Palmer	Walker
Patterson	Wells
Petsch	Westfall
Quinn	Wood of Montague
Reader	Worley
Reed of Dallas	Youngblood

Nays—17

Aikin	Latham
Alsup	Leath
Beck	Reed of Bowie
Bergman	Russell
Broyles	Tillery
Farmer	Venable
Gibson	Wood of Harrison
Glass	Young
Gray	

Present—Not Voting

Herzik

Absent

Caldwell	Hoskins
Calvert	Knetsch
Davison of Fisher	Lange
Dunlap of Kleberg	McCalla
Duvall	Payne
Good	Pope
Graves	Stovall

Absent—Excused

Fitzwater Nicholson

MESSAGE FROM THE SENATE

Austin, Texas, November 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 134, "An Act appropriating \$50,000.00 to pay per diem and

contingent expense of the Second Called Session Forty-fourth Legislature."

(With amendments.)

Adopted

S. C. R. No. 26, Granting Panhandle Construction Co., permission to sue the State.

H. C. R. No. 28, Suspending Joint Rules No. 11, 22 and 23 for the purpose of taking up and finally passing House Bill No. 127.

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO POSTPONE CERTAIN HEARING

Mr. McKinney moved that the hearing for the charges against Hon. J. E. McDonald, which was set for November 15, be postponed until the first Tuesday in January 1936, unless the Governor has called a prior Session of the Legislature or has issued a call for a special session thereafter.

Mr. Dwyer moved to table the motion by Mr. McKinney.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—81

Adkins	Fisher
Alsup	Gibson
Bourne	Gray
Bradford	Greathouse
Broyles	Hanna
Burton	Hardin
Butler of Karnes	Harris of Archer
Cagle	Herzik
Calvert	Hill
Celaya	Hofheinz
Clayton	Holland
Colquitt	Hoskins
Colson	Huddleston
Cooper	Hunt
Cowley	Hyder
Craddock	James
Daniel	Jefferson
Davis	Jones of Falls
Davisson	Jones of Shelby
of Eastland	Jones of Wise
Dickison	Keefe
Dunagan	Leath
Dunlap of Hays	Lucas
Dwyer	McConnell
England	McFarland
Fain	McKee
Farmer	Moffett

Morris	Smith
Morrison	Spears
Olsen	Stanfield
Padgett	Stinson
Patterson	Tennyson
Payne	Thornton
Reader	Venable
Roach of Hunt	Waggoner
Roane	Wells
Reark	Westfall
Rogers	Wood of Harrison
Rutta	Wood of Montague
Scarborough	Worley
Settle	Youngblood

Nays—52

Adamson	Lanning
Alexander	Latham
Ash	Lemens
Atchison	Leonard
Beck	Lotief
Bergman	Mauritz
Butler of Brazos	McCalla
Caldwell	McKinney
Canon	Moore
Collins	Morse
Crossley	Palmer
Ford	Petsch
Fox	Pope
Frazer	Quinn
Fuchs	Reed of Bowie
Glass	Riddle
Good	Roach of Angelina
Hankamer	Roberts
Harris of Dallas	Russell
Hartzog	Sessions
Head	Shofner
Hodges	Steward
Jackson	Stovall
Jones of Atascosa	Tarwater
King	Tillery
Knetsch	Young

Present—Not Voting

Aikin	Luker
Bradbury	Reed of Dallas
Davison of Fisher	Walker
Hunter	

Absent

Dunlap of Kleberg	Lange
Duvall	Lindsey
Graves	Newton
Howard	

Absent—Excused

Fitzwater	Nicholson
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MESSAGE FROM THE SENATE

Austin, Texas, November 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has

concurring in House Amendments to Seante Bill No. 10 by the following vote:

Yeas 28, nays 0.

Passed

H. B. No. 109, A bill to be entitled "An Act empowering cities of two hundred thirty thousand (230,000) or more inhabitants to purchase and own, build, maintain, operate, mortgage and encumber health and recreational establishments, parks, playgrounds, hotels, bathhouses, bathing pools or facilities, and any and all other installations or establishments necessary or desirable as a part of health and recreational resorts, parks or playgrounds, or any of them, and the income therefrom, and to evidence the obligations therefor by bonds, notes or warrants and to secure the payment of funds to purchase or build same or to remodel, renovate, maintain or repair same; etc., and declaring an emergency."

(With amendments.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 134 WITH SENATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 134, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the First Called Session of the Forty-fourth Legislature, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Leonard, the House concurred in the Senate amendments by the following vote:

Yeas—123

Adamson	Alexander
Adkins	Alsup

Ash	Jones of Wise
Atchison	Keefe
Bergman	King
Bourne	Knetsch
Bradford	Latham
Broyles	Leath
Burton	Lemens
Butler of Karnes	Leonard
Caldwell	Lindsey
Canon	Luker
Celaya	Mauritz
Clayton	McCalla
Collins	McConnell
Colquitt	McFarland
Colson	McKee
Cooper	McKinney
Cowley	Moffett
Craddock	Moore
Crossley	Morris
Daniel	Morrison
Davison of Fisher	Newton
Davison	Olsen
of Eastland	Padgett
Dickison	Palmer
Dunagan	Patterson
Dunlap of Hays	Payne
Dunlap of Kleberg	Petsch
England	Quinn
Farmer	Reader
Fisher	Reed of Dallas
Fox	Riddle
Frazier	Roach of Angelina
Fuchs	Roach of Hunt
Gibson	Roark
Glass	Roberts
Good	Rogers
Gray	Russell
Greathouse	Rutta
Hankamer	Scarborough
Hanna	Sessions
Hardin	Settle
Harris of Archer	Shofner
Harris of Dallas	Smith
Hartzog	Spears
Head	Stanfield
Herzik	Steward
Hill	Stinson
Hofheinz	Stovall
Holland	Tarwater
Hoskins	Tennyson
Howard	Thornton
Hunt	Venable
Hunter	Waggoner
Hyder	Walker
Jackson	Wells
James	Westfall
Jefferson	Wood of Harrison
Jones of Atascosa	Wood of Montague
Jones of Falls	Worley
Jones of Shelby	Youngblood

Nays—8

Aikin	Fain
Beck	Huddleston

Lotief	Reed of Bowie
Lucas	Roane

Present—Not Voting

Bradbury

Absent

Butler of Brazos	Graves
Cagle	Hodges
Calvert	Lange
Davis	Lanning
Duvall	Pope
Dwyer	Tillery
Ford	

Absent—Excused

Fitzwater	Nicholson
Morse	Young

HOUSE BILL NO. 109 WITH SENATE AMENDMENTS

Mr. Spears called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 109, A bill to be entitled "An Act empowering cities of two hundred thirty thousand (230,000) or more inhabitants to purchase and own, build, maintain, operate, mortgage and encumber health and recreational establishments, parks, playgrounds, hotels, bathhouses, bathing pools or facilities, and any and all other installations or establishments necessary or desirable as a part of health and recreational resorts, parks or playgrounds, or any of them, and the income therefrom, and to evidence the obligations therefor by bonds, notes or warrants and to secure the payment of funds to purchase or build or to remodel, renovate, maintain or repair same; etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Spears, the House concurred in the Senate amendments by the following vote:

Yeas—125

Adamson	Bourne
Adkins	Bradbury
Aikin	Broyles
Alexander	Burton
Alsup	Butler of Brazos
Ash	Butler of Karnes
Atchison	Caldwell
Beck	Canon
Bergman	Celaya

Clayton	Leath
Collins	Lemens
Colquitt	Lindsey
Colson	Lotief
Cooper	Lucas
Cowley	Luker
Craddock	Mauritz
Crossley	McCalla
Daniel	McConnell
Davisson	McFarland
of Eastland	McKee
Dunlap of Hays	McKinney
Dunlap of Kleberg	Moffett
Dwyer	Morris
England	Morrison
Fain	Olsen
Farmer	Padgett
Fisher	Palmer
Fox	Patterson
Frazer	Payne
Fuchs	Petsch
Gibson	Pope
Glass	Quinn
Gray	Reader
Greathouse	Reed of Bowie
Hankamer	Reed of Dallas
Hanna	Riddle
Hardin	Roach of Angelina
Harris of Archer	Roach of Hunt
Harris of Dallas	Roark
Hartzog	Roberts
Head	Rogers
Herzik	Russell
Hill	Rutta
Hodges	Scarborough
Hofheinz	Sessions
Holland	Settle
Hoskins	Smith
Howard	Spears
Huddleston	Stanfield
Hunt	Steward
Hunter	Stovall
Hyder	Tarwater
Jackson	Tennyson
James	Thornton
Jefferson	Tillery
Jones of Atascosa	Waggoner
Jones of Falls	Walker
Jones of Wise	Wells
Keefe	Westfall
King	Wood of Harrison
Knetsch	Wood of Montague
Lanning	Worley
Latham	Young

Present—Not Voting

Cagle Roane

Absent

Bradford	Dickison
Calvert	Dunagan
Davis	Duvall
Davison of Fisher	Ford

Good	Newton
Graves	Shofner
Jones of Shelby	Stinson
Lange	Venable
Leonard	Youngblood
Moore	

Absent—Excused

Fitzwater	Nicholson
Morse	

SENATE BILL NO. 28 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 28, A bill to be entitled "An Act to amend Chapter 3 of Title 42 of the Revised Civil Statutes of Texas of 1925, by adding thereto a new article to be known as Article 2033-B, providing for the service of citation or other civil process, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 28 ON THIRD READING

Mr. Clayton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116

Adamson	Colson
Adkins	Cooper
Aikin	Cowley
Alexander	Craddock
Alsup	Crossley
Ash	Daniel
Atchison	Davisson
Beck	of Eastland
Bergman	Dunlap of Hays
Bourne	Dunlap of Kleberg
Bradbury	Duvall
Bradford	Dwyer
Broyles	England
Burton	Fain
Butler of Brazos	Farmer
Butler of Karnes	Fisher
Cagle	Fuchs
Caldwell	Gibson
Canon	Glass
Clayton	Gray
Collins	Greathouse
Colquitt	Hanna

Absent	
Atchison	Harris of Archer
Calvert	Hunt
Celaya	James
Crossley	Jones of Atascosa
Davis	Jones of Shelby
Davison of Fisher	Knetsch
Davisson	Lange
of Eastland	Leath
Dickison	Leonard
Dunagan	Mauritz
Dunlap of Kleberg	Newton
Ford	Payne
Fox	Reader
Good	Venable
Graves	Youngblood

Absent—Excused

Fitzwater	Nicholson
Morse	Petsch

SENATE BILL NO. 31 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 31, A bill to be entitled "An Act applying only to independent school districts in counties having a population of not less than thirty-two thousand five hundred (32,500) and not more than thirty-seven thousand five hundred (37,500), and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 31 ON THIRD READING

Mr. Keefe moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 31 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Adamson	Bourne
Adkins	Bradbury
Aikin	Bradford
Alexander	Broyles
Alsup	Burton
Ash	Butler of Brazos
Atchison	Butler of Karnes
Beck	Cagle
Bergman	Canon

Clayton	Luker
Collins	Mauritz
Colquitt	McCalla
Colson	McConnell
Cooper	McFarland
Craddock	McKee
Crossley	McKinney
Daniel	Moffett
Davisson	Moore
of Eastland	Morris
Dunagan	Morrison
Dunlap of Hays	Olsen
Duvall	Padgett
Dwyer	Palmer
England	Patterson
Fain	Pope
Farmer	Quinn
Fisher	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Gray	Roach of Angelina
Greathouse	Roach of Hunt
Hanna	Roark
Hardin	Roberts
Harris of Archer	Rogers
Harris of Dallas	Russell
Hartzog	Rutta
Head	Scarborough
Herzik	Sessions
Hill	Settle
Hodges	Shofner
Hofheinz	Smith
Hoskins	Spears
Huddleston	Stanfield
Hunt	Steward
Hunter	Stinson
Hyder	Stovall
Jackson	Tarwater
Jefferson	Tennyson
Jones of Atascosa	Thornton
Jones of Falls	Tillery
Jones of Wise	Waggoner
Keefe	Walker
King	Wells
Lanning	Westfall
Latham	Wood of Harrison
Lemens	Wood of Montague
Lindsey	Worley
Lotief	Young
Lucas	

Present—Not Voting

Roane

Absent

Caldwell	Ford
Calvert	Fox
Celaya	Frazer
Cowley	Good
Davis	Graves
Davison of Fisher	Hankamer
Dickison	Holland
Dunlap of Kleberg	Howard

James	Leonard
Jones of Shelby	Newton
Knetsch	Payne
Lange	Venable
Leath	Youngblood

Absent—Excused

Fitzwater	Nicholson
Morse	Petsch

The Speaker then laid Senate Bill No. 31 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—102

Adamson	Hunt
Adkins	Hyder
Aikin	Jackson
Alexander	Jefferson
Alsup	Jones of Atascosa
Ash	Jones of Falls
Atchison	Jones of Wise
Beck	Keefe
Bergman	Lanning
Bourne	Latham
Bradbury	Lemens
Bradford	Lindsey
Broyles	Lotief
Burton	Lucas
Butler of Brazos	Mauritz
Butler of Karnes	McCalla
Calvert	McConnell
Canon	McFarland
Collins	McKee
Colquitt	Moffett
Cooper	Moore
Cowley	Morris
Craddock	Morrison
Crossley	Padgett
Daniel	Palmer
Davisson	Patterson
of Eastland	Pope
Dunagan	Quinn
Dunlap of Hays	Reed of Bowie
England	Reed of Dallas
Fain	Riddle
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Fuchs	Roane
Gibson	Roberts
Glass	Rogers
Gray	Russell
Greathouse	Rutta
Hanna	Sessions
Hardin	Settle
Harris of Archer	Shofner
Harris of Dallas	Smith
Head	Spears
Herzik	Stanfield
Hill	Steward
Hodges	Stinson

Stovall	Walker
Tarwater	Wells
Tennyson	Westfall
Thornton	Wood of Montague
Tillery	Worley
Waggoner	

Nays—1

Cagle

Absent

Caldwell	Huddleston
Celaya	Hunter
Clayton	James
Colson	Jones of Shelby
Davis	King
Davison of Fisher	Knetsch
Dickison	Lange
Dunlap of Kleberg	Leath
Duvall	Leonard
Dwyer	Luker
Ford	McKinney
Fox	Newton
Frazer	Olsen
Good	Payne
Graves	Reader
Hankamer	Roark
Hartzog	Scarborough
Hofheinz	Venable
Holland	Wood of Harrison
Hoskins	Youngblood
Howard	

Absent—Excused

Fitzwater	Petsch
Morse	Young
Nicholson	

SENATE BILL NO. 8 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 8, A bill to be entitled "An Act to amend Section 9, Senate Bill No. 19, Acts First Called Session, Forty-fourth Legislature, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 8 ON THIRD READING

Mr. Jones of Wise moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 8 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adamson	Jackson
Adkins	Jefferson
Aikin	Jones of Atascosa
Alexander	Jones of Falls
Alsup	Jones of Shelby
Ash	Jones of Wise
Atchison	Knetsch
Beck	Lanning
Bergman	Latham
Bourne	Lemens
Bradbury	Lotief
Bradford	Lucas
Broyles	McCalla
Burton	McConnell
Butler of Karnes	McFarland
Caldwell	McKee
Canon	Moffett
Celaya	Moore
Clayton	Morris
Collins	Morrison
Colquitt	Newton
Colson	Padgett
Cooper	Patterson
Cowley	Payne
Craddock	Pope
Crossley	Reader
Daniel	Reed of Bowie
Davisson	Reed of Dallas
of Eastland	Riddle
Dickison	Roach of Angelina
Dunagan	Roach of Hunt
Dunlap of Hays	Roane
Duvall	Roark
England	Roberts
Fain	Rogers
Farmer	Russell
Fisher	Rutta
Fox	Sessions
Fuchs	Settle
Gibson	Shofner
Glass	Smith
Gray	Spears
Hanna	Stanfield
Hardin	Steward
Harris of Archer	Stinson
Harris of Dallas	Stovall
Hartzog	Tennyson
Head	Thornton
Herzik	Tillery
Hill	Waggoner
Hodges	Walker
Hofheinz	Wells
Hoskins	Westfall
Huddleston	Wood of Harrison
Hunt	Wood of Montague
Hunter	Worley
Hyder	Young

Nays—1

Palmer

Present—Not Voting

Cagle

Absent

Butler of Brazos	Keefe
Calvert	King
Davis	Lange
Davison of Fisher	Leath
Dunlap of Kleberg	Leonard
Dwyer	Lindsey
Ford	Luker
Frazer	Mauritz
Good	McKinney
Graves	Olsen
Greathouse	Quinn
Hankamer	Scarborough
Holland	Tarwater
Howard	Venable
James	Youngblood

Absent—Excused

Fitzwater	Nicholson
Morse	Petsch

The Speaker then laid Senate Bill No. 8 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—119

Adamson	Dwyer
Adkins	England
Aikin	Fain
Alexander	Farmer
Alsup	Fisher
Ash	Ford
Atchison	Fox
Beck	Fuchs
Bergman	Gibson
Bourne	Glass
Bradbury	Gray
Bradford	Greathouse
Broyles	Hanna
Burton	Hardin
Butler of Brazos	Harris of Archer
Butler of Karnes	Harris of Dallas
Caldwell	Head
Canon	Herzik
Celaya	Hill
Clayton	Hodges
Collins	Holland
Colquitt	Hoskins
Colson	Huddleston
Cooper	Hunt
Cowley	Hunter
Craddock	Hyder
Crossley	Jackson
Daniel	Jones of Atascosa
Davisson	Jones of Falls
of Eastland	Jones of Shelby
Dickison	Jones of Wise
Dunagan	King
Dunlap of Hays	Knetsch
Duvall	Lanning

Latham	Roach of Hunt
Lemens	Roane
Lotief	Roark
Lucas	Roberts
Luker	Rogers
Mauritz	Russell
McCalla	Scarborough
McConnell	Sessions
McFarland	Settle
McKee	Shofner
McKinney	Smith
Moffett	Spears
Moore	Stanfield
Morris	Steward
Morrison	Stinson
Newton	Stovall
Olsen	Tennyson
Padgett	Thornton
Patterson	Tillery
Payne	Venable
Pope	Walker
Reader	Wells
Reed of Bowie	Wood of Harrison
Reed of Dallas	Wood of Montague
Riddle	Worley
Roach of Angelina	Young

Present—Not Voting

Cagle Palmer

Absent

Calvert	Jefferson
Davis	Keefe
Davison of Fisher	Lange
Dunlap of Kleberg	Leath
Frazer	Leonard
Good	Lindsey
Graves	Quinn
Hankamer	Rutta
Hartzog	Tarwater
Hofheinz	Waggoner
Howard	Westfall
James	Youngblood

Absent—Excused

Fitzwater	Nicholson
Morse	Petsch

GRANTING C. D. SCROGGIN, ET AL., PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, H. C. R. No. 21, by Mr. Wood of Harrison, Granting C. D. Scroggin, et al., permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING J. C. TRACHTA PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, S. C. R. No. 25, Granting J. C. Trachta permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

HOUSE BILL NO. 66 WITH SENATE AMENDMENTS

Mr. Harris of Archer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 66, A bill to be entitled "An Act to provide for payment of the salaries of the ex-officio county superintendents from the County Available School Fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Harris of Archer, the House concurred in the Senate amendments.

HOUSE BILL NO. 127 ON SECOND READING

The Speaker laid before the House, (in accordance with H. C. R. No. 28), on its second reading and passage to engrossment,

H. B. No. 127, A bill to be entitled "An Act amending and re-enacting Section 18a of the Acts of the Forty-fourth Legislature, Chapter 116, Regular Session, relative to the establishment of itinerant beauty shops, providing exceptions and adding Section 18a, providing for the amendment of Section 7 of the aforementioned Act; etc., and declaring an emergency."

The bill was read second time.

Mr. Petsch offered the following amendment to the bill:

Amend House Bill No. 127, page 2, line 9, by striking out the words and figures "\$300.00" and insert the figures "\$100.00."

PETSCH,
JEFFERSON.

The amendment was adopted.

Mr. Jefferson offered the following committee amendment to the bill:

Amend House Bill No. 127, page 2, line 1, by striking out after word "customers" the words, "if the licensee works in a bona fide shop as defined in this Act, and substituting therefor the words "provided that the licensee works in the county of her residence."

The amendment was adopted.

Mr. Jefferson offered the following amendment to the bill:

Amend House Bill No. 127 by adding the following section:

"Section —. The fact that the law regulating the practice of hair-dressing and cosmetology is inadequate creates an emergency and an imperative public necessity requiring that the constitutional rule, which requires bills to be read on three several days in each House, be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 127, line 2, page 1, by striking out the word "permanent" and the word "and" in line 23, page 1.

The amendment was adopted.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 127 as follows:

On page 2, strike out the words "1935, and each" in line 27 and the words "succeeding year thereafter" and substitute therefor these words, "1936, and August 31st, 1937."

Mr. Lindsey raised a point of order on further consideration of House Bill No. 127, on the ground that the bill was introduced in the House, before having been submitted by the Governor.

The Speaker overruled the point of order, stating that the point of order comes to late.

Question recurring on the amendment by Mr. Farmer, it was adopted.

Mr. Russell offered the following amendment to the bill:

Amend House Bill No. 127 by striking out all of lines 23 to 29 inclusive, page 2.

The amendment was adopted.

Mr. Hofheinz offered the following amendment to the bill:

Amend House Bill No. 127 by striking out on page 1, beginning on line 36, all of "Section 7" down to line 14 on page 2 of said bill.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 127 was then passed to engrossment.

HOUSE BILL NO. 127 ON THIRD READING

Mr. Jefferson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 127 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—96

Adamson	Dunlap of Hays
Aikin	Dunlap of Kleberg
Alexander	Duvall
Alsup	England
Ash	Farmer
Atchison	Ford
Beck	Fuchs
Bourne	Gibson
Bradbury	Glass
Broyles	Gray
Burton	Hanna
Butler of Brazos	Hardin
Butler of Karnes	Harris of Dallas
Cagle	Hartzog
Calvert	Head
Canon	Herzik
Celaya	Hill
Collins	Hodges
Colquitt	Hofheinz
Colson	Holland
Cooper	Hoskins
Cowley	Howard
Craddock	Huddleston
Crossley	Hunt
Davis	Hunter
Dickison	Hyder
Dunagan	Jefferson

Jones of Falls	Riddle
Jones of Shelby	Roach of Angelina
Lanning	Roach of Hunt
Latham	Roberts
Leath	Rogers
Lemens	Rutta
Leonard	Scarborough
Lucas	Settle
McConnell	Shofner
McFarland	Smith
Moffett	Spears
Moore	Steward
Morris	Stinson
Newton	Tennyson
Padgett	Thornton
Patterson	Waggoner
Pope	Walker
Quinn	Wells
Reader	Wood of Harrison
Reed of Bowie	Young
Reed of Dallas	Youngblood

Nays—21

Clayton	Morrison
Daniel	Palmer
Davison of Fisher	Roane
Fain	Roark
Hankamer	Russell
Jones of Atascosa	Sessions
Jones of Wise	Stovall
Lindsey	Tillery
Lotief	Venable
Luker	Wood of Montague
Mauritz	

Absent

Adkins	James
Bergman	Keefe
Bradford	King
Caldwell	Knetsch
Davison	Lange
of Eastland	McCalla
Dwyer	McKee
Fisher	McKinney
Fox	Olsen
Frazer	Payne
Good	Stanfield
Graves	Tarwater
Greathouse	Westfall
Harris of Archer	Worley
Jackson	

Absent—Excused

Fitzwater	Nicholson
Morse	Petsch

The Speaker then laid House Bill No. 127 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—95

Adamson	Alexander
Aikin	Alsup

Ash	Jones of Falls
Atchison	Jones of Shelby
Beck	King
Bourne	Lanning
Bradbury	Latham
Broyles	Leath
Burton	Lemens
Butler of Brazos	Leonard
Butler of Karnes	Lucas
Caldwell	Mauritz
Calvert	McConnell
Canon	McFarland
Celaya	McKinney
Collins	Moffett
Colquitt	Moore
Cooper	Morris
Cowley	Newton
Craddock	Olsen
Crossley	Patterson
Davis	Quinn
Dickison	Reader
Dunagan	Reed of Bowie
Dunlap of Hays	Reed of Dallas
Dunlap of Kleberg	Riddle
Duvall	Roach of Angelina
England	Roach of Hunt
Farmer	Roberts
Fisher	Rogers
Ford	Rutta
Fuchs	Scarborough
Gray	Settle
Hanna	Shofner
Harris of Archer	Smith
Harris of Dallas	Spears
Hartzog	Steward
Head	Stinson
Herzik	Tennyson
Hill	Thornton
Hodges	Waggoner
Hoskins	Walker
Howard	Wells
Huddleston	Westfall
Hunt	Wood of Harrison
Hunter	Wood of Montague
Hyder	Youngblood
Jefferson	

Nays—24

Cagle	Lindsey
Clayton	Lotief
Daniel	Morrison
Davison of Fisher	Palmer
Fain	Roane
Glass	Roark
Hankamer	Russell
Hardin	Sessions
Jones of Atascosa	Stovall
Jones of Wise	Tillery
Keefe	Venable
Knetsch	Worley

Present—Not Voting

Colson	Luker
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Absent

Adkins	Hofheinz
Bergman	Holland
Bradford	Jackson
Davisson	James
of Eastland	Lange
Dwyer	McCalla
Fox	McKee
Frazer	Padgett
Gibson	Payne
Good	Pope
Graves	Stanfield
Greathouse	Tarwater

Absent—Excused

Fitzwater	Petsch
Morse	Young
Nicholson	

(Mr. Thornton in the Chair.)

ADDRESS BY HON. FRANK
HAWKS

(Speaker in the Chair.)

Hon. Frank Hawks, having been admitted to the floor of the House, and escorted to the Speaker's stand by Mayor Tom Miller of Austin, was introduced by Speaker Stevenson and addressed the House briefly in regard to the Will Rogers' Memorial Fund.

CONFERENCE COMMITTEE RE-
PORT ON SENATE BILL NO. 5

Mr. Knetsch submitted the following Conference Committee Report on Senate Bill No. 5:

Austin, Texas, November 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives,

Hon. Walter F. Woodul, President of the Senate.

Sirs: We, your Conference Committee appointed to adjust the differences between the two Houses on Senate Bill No. 5, have had the same under consideration and beg to recommend that the bill pass in the form attached hereto.

S. B. No. 5

A BILL

To Be Entitled

An Act relating to the compensation of district, certain designated county and precinct officers and providing the method and means by which such officers shall be compensated for their services; providing for the

appointment and payment of deputies, assistants, clerks and employees in district, county and precinct offices; limiting the payment of fees and commissions by the State in certain instances; requiring the keeping of books and records by such officers and the making of reports to designated authorities; providing for the creation of an Officers' Salary Fund and Salary Funds in certain counties and providing for the contribution to such fund by the State and County; prescribing rules and regulations for the collecting, depositing, keeping and disbursing of said funds and the purposes for which same may be disbursed; providing for the disposition of fees and commissions collected by officers; making an appropriation; providing that this Act shall become effective on and after January 1st, 1936; providing that this Act shall be cumulative of all existing laws not in conflict herewith, and declaring the policy and intention of the Legislature; declaring the Act to be severable; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. No district officer shall be paid by the State of Texas any fees or commission for any service performed by him; nor shall the State or any county pay to any county officer in any county containing a population of twenty thousand (20,000) inhabitants or more, according to the last preceding Federal Census, any fee or commission for any service by him performed as such officer, provided, however, that the assessor and collector of taxes shall continue to collect and retain for the benefit of the Officers' Salary Fund or funds hereinafter provided for, all fees and commissions which he is authorized under law to collect; and it shall be his duty to account for and to pay all such monies received by him into the fund or funds created and provided for under the provisions of this Act; provided further, that the provisions of this section shall not affect the payment of costs in civil cases by the State, but all such costs so paid shall be accounted for by the officers collecting the same, as they are required under the provisions of this Act to account for fees, commissions and costs collected from private parties.

Section 2. The Commissioners Court of each county in the State of Texas, at its first regular meeting in January of each calendar year, shall, by order made and entered in the minutes of said Court, determine whether precinct officers of such county (except public weighers and registrars of vital statistics) shall be compensated on a salary basis as provided for in this Act, or whether they shall receive as their compensation, such fees of office as may be earned by them in the performance of the duties of their offices, and it shall be the duty of the County Clerk of each county to forward to the Comptroller of Public Accounts of the State of Texas on or before the 31st day of January a certified copy of such order. In counties having a population of less than twenty thousand (20,000) inhabitants according to the last preceding Federal Census, it shall likewise be the duty of the Commissioners Court, by its order duly made and entered of record at its first regular meeting in January of each calendar year, to determine whether county officers of such county (excluding county surveyors, registrars of vital statistics and notaries public) shall be compensated for the fiscal year on the basis of an annual salary or whether they shall be compensated on the basis of fees earned by them in the performance of their official duties, and it shall also be the duty of the county clerk to forward to the Comptroller of Public Accounts of the State of Texas on or before the 31st day of January a certified copy of said order of said Commissioners Court.

Section 3. In all cases where the Commissioners Court shall have determined that county officers or precinct officers in such county shall be compensated for their services by the payment of an annual salary, neither the State of Texas nor any county shall be charged with or pay to any of the officers so compensated, any fee or commission for the performance of any or all of the duties of their offices but such officers shall receive said salary in lieu of all other fees, commissions or compensation which they would otherwise be authorized to retain; provided, however, that the assessor and collector of taxes shall continue to collect and retain for the benefit of the Officers' Salary Fund or funds hereinafter provided for all fees and commissions which he is author-

ized under law to collect; and it shall be his duty to account for and to pay all such monies received by him into the fund created and provided for under the provisions of this Act; provided further, that the provisions of this Section shall not affect the payment of costs in civil cases by the State but all such costs so paid shall be accounted for by the officers collecting the same, as they are required under the provisions of this Act to account for fees, commissions and costs collected from private parties.

Section 4. In all counties of this State containing a population of less than 190,000 inhabitants according to the last preceding Federal Census wherein the county or precinct officers are compensated on a salary basis under the provisions of this Act, there shall be created a fund to be known as the "Officers' Salary Fund of..... County, Texas." Such fund shall be kept separate and apart from all other county funds, and shall be held and disbursed for the purpose of paying the salaries of officers and the salaries of deputies, assistants and clerks of officers who are drawing a salary from said fund under the provisions of this Act, and to pay the authorized expenses of their offices. Such fund shall be deposited in the County Depository and shall be protected to the same extent as other county funds.

Section 5. It shall be the duty of all officers to charge and collect in the manner authorized by law all fees and commissions which are permitted by law to be assessed and collected for all official service performed by them. As and when such fees are collected they shall be deposited in the Officers' Salary Fund, or funds provided in this Act. In event the Commissioners Court finds that the failure to collect any fee or commission was due to neglect on the part of the officer charged with the responsibility of collecting same, the amount of such fee or commission shall be deducted from the salary of such officer. Before any such deduction is made, the Commissioners Court shall furnish such officer with an itemized statement of the uncollected fees with which his account is to be charged, and shall notify such officer of the time and place for a hearing on same, to determine whether such officer was guilty of

negligence, which time for hearing shall be at least ten days subsequent to the date of notice. Unless an officer is charged by law with the responsibility of collecting fees, the Commissioners Court shall not in any event make any deductions from the authorized salary of such officer.

Section 6. (a) In counties wherein the county officials are on a salary basis, in addition to the monies deposited in said Officers' Salary Fund or funds under the provisions of Sections 1, 3 and 5 of this Act there shall be deposited therein quarterly on the first day of January, April, July and October of each year, such sums as may be apportioned to such county under the provisions of this Act, out of the available appropriations made by the Legislature for such purposes, provided, however, that in counties wherein the Commissioners Court is authorized to determine whether county officers shall be compensated on a salary basis, no apportionment shall be made to such county until the Comptroller of Public Accounts shall have been notified of the order of the Commissioners Court that the county officers of such county shall be compensated on a salary basis for the fiscal year, and in that case the first quarterly payment of such apportionment shall be made in fifteen (15) days after receipt of such notice by the Comptroller, and the remaining payments on the dates hereinabove prescribed. It shall be the duty of the Comptroller of Public Accounts to annually apportion to all counties in which the county officers are to be compensated on the basis of a salary any monies, appropriated for said year for such apportionment; each county entitled to participate in such apportionment shall receive for the benefit of its Officers' Salary Fund or funds its proportionate part of the appropriation which shall be distributed among the several counties entitled to participate therein, on the basis of the per capita population of each county according to the last preceding Federal Census; provided that the annual apportionment for such purposes shall not exceed fourteen (14c) cents per capita of said population of each county where county officers are compensated on a salary basis under the provisions of this Act. Provided that in all counties which had a population of less than

60,000 in 1930 according to the last preceding Federal Census and which have now, ad valorem valuations for all purposes according to the last approved tax roll of such county, which have increased at least 50 per cent over the valuation for 1930, the amount to be paid to each of said counties for its salary fund shall be the sum not to exceed 25 cents per capita based on the 1930 population. The quarterly payment of such apportionment of such appropriation shall be made on warrants drawn by the State Comptroller upon the State Treasury payable to the county treasurer of the county in whose favor the apportionment is made and said warrants shall be registered by the Comptroller and the Treasurer and shall be mailed by the Comptroller to the treasurer of the county.

(b) No officer receiving a salary shall hereafter receive any ex officio compensation; provided, however, the Commissioners Court shall transfer from the General Fund of the county to the Officers' Salary Fund or funds of such county such funds as may be necessary to pay the salaries and other claims chargeable against the same when the monies deposited therein are insufficient to meet the claims payable therefrom.

(c) Any monies remaining in the Officers' Salary Fund or funds of any county at the end of any fiscal year after all salaries and authorized expenses incurred against said fund for said year shall have been paid may be by order of the Commissioners Court transferred to the credit of the General Fund of the county.

Section 7. All monies drawn from said Officers' Salary Fund or funds shall be paid out only on warrants approved by the county auditor in counties having a county auditor; otherwise all claims against said fund shall first have been audited and approved by the Commissioners Court of said county and the monies shall be disbursed on such approved claims by warrants drawn by the county treasurer on said fund.

No warrant shall be drawn on said fund or funds in favor of any person indebted to the State, county or to said fund or in favor of his agent or assignee until such debt is paid.

Section 8. Article 3896, Revised Civil Statutes of Texas, 1925, be, and the

same is hereby, amended so as to hereafter read as follows:

"Article 3896. Each district, county and precinct officer shall keep a correct statement of all fees earned by him, and all sums coming into his hands as deposits for costs, together with all trust funds placed in the registry of the court, fees of office and commissions in a book or in books to be provided him for that purpose, in which the officer at the time when such deposits are made or such fees and commissions are earned and when any or all of such funds shall come into his hands, shall enter the same; and it shall be the duty of the county auditor in counties having a county auditor to annually examine the books and accounts of such officers and to report his findings to the next succeeding grand jury or District Court. In counties having no county auditor, it shall be the duty of the Commissioners Court to make the examination of said books and accounts or have the same made and to make report to the grand jury as hereinabove provided."

Section 9. Article 3897, Revised Civil Statutes of Texas, 1925, as amended by Section 5, Chapter 20, Acts of the Fourth Called Session of the 41st Legislature be, and the same is hereby, amended so as to hereafter read as follows:

"Article 3897. Each district, county and precinct officer, at the close of each fiscal year (December 31st.) shall make to the District Court of the county in which he resides a sworn statement in triplicate (on forms designed and approved by the State Auditor) a copy of which statement shall be forwarded to the State Auditor by the clerk of the District Court of said county within thirty (30) days after the same has been filed in his office, and one copy to be filed with the county auditor, if any; otherwise said copy shall be filed with the Commissioners Court. Said report shall show the amount of all fees, commissions and compensations whatever earned by said officer during the fiscal year; and secondly, shall show the amount of fees, commissions and compensations collected by him during the fiscal year; thirdly, said report shall contain an itemized statement of all fees, commissions and compensations earned during the fiscal year which were not collected, together with the name of the party owing said fees, commissions

and compensations. Said report shall be filed not later than February 1st following the close of the fiscal year and for each day after said date that said report remains not filed, said officer shall be liable to a penalty of Twenty-five (\$25.00) Dollars, which may be recovered by the county in a suit brought for such purposes, and in addition said officer shall be subject to removal from office."

Section 10. Article 3898, Revised Civil Statutes of Texas, 1925, be, and the same is hereby, amended so as to hereafter read as follows:

"Article 3898. The fiscal year, within the meaning of this Act, shall begin on January 1st, of each year; and each district, county and precinct officer shall file his report and make the final settlement required in this Act not later than February 1st of each year; provided, however, that officers receiving an annual salary as compensation for their services shall, by the close of each month, pay into the Officers' Salary Fund, or funds, all fees, commissions and compensation collected by him during said month. Whenever such officer serves for a fractional part of the fiscal year, he shall nevertheless file his report and make final settlement for such part of the year as he serves and shall be entitled to such proportionate part of his compensation as the time for his service bears to the entire year."

Section 11. Article 3899, Revised Civil Statutes of Texas, 1925, be, and the same is hereby, amended so as to hereafter read as follows:

"Article 3899. (a) At the close of each month of his tenure of office each officer named herein who is compensated on a fee basis shall make as part of the report now required by law, an itemized and sworn statement of all the actual and necessary expenses incurred by him in the conduct of his office, such as stationery, stamps, telephone, premiums on officials' bonds, premium on fire, burglary, theft, robbery insurance protecting public funds, traveling expenses and other necessary expenses. The Commissioners Court of the county of the Sheriff's residence may, upon the written and sworn application of the Sheriff stating the necessity therefor purchase equipment for a bureau of criminal identification, such as cameras, finger print cards,

inks, chemicals, microscopes, radio and laboratory equipment, filing cards, filing cabinets, tear gas and other equipment in keeping with the system in use by the Department of Public Safety of this State, or the United States Department of Justice and/or Bureau of Criminal Identification. If such expenses be incurred in connection with any particular case, such statement shall name such case. Such expense account shall be subject to the audit of the county auditor, if any, otherwise by the Commissioners Court; and if it appears that any item of such expense was not incurred by such officer, or such item was not a necessary expense of office, such item shall be by such auditor or court rejected, in which case the collections of such item may be adjudicated in any court of competent jurisdiction. The amount of salaries paid to assistants and deputies shall also be clearly shown by such officer, giving the name, position and amount paid each; and in no event shall any officer show any greater amount than actually paid any such assistant or deputy. The amount of such expense, together with the amount of salaries paid to assistants, deputies and clerks shall be paid out of the fees earned by such officer. The Commissioners Court of the county of the Sheriff's residence may, upon the written and sworn application of the Sheriff stating the necessity therefor, allow one or more automobiles to be used by the Sheriff in the discharge of his official duties, which if purchased by the county shall be bought in the manner prescribed by law for the purchase of supplies and paid for out of the General Fund of the county, and they shall be and remain the property of the county. The expense of the maintenance, depreciation and operation of such automobiles as may be allowed; whether purchased by the county or owned by the Sheriff or his deputies personally, shall be paid for by the Sheriff and the amount thereof shall be reported by the Sheriff, on the report above mentioned, in the same manner as herein provided for other expenses.

"(b) Each officer named in this Act, where he receives a salary as compensation for his services, shall be empowered and permitted to purchase and have charged to his county all reasonable expenses necessary in the

proper and legal conduct of his office, such expenses to be passed on, predetermined and allowed in kind and amounts, as nearly as possible, by the Commissioners Court once each month for the ensuing month, upon the application by each officer, stating the kind, probable amount of expenditure and the necessity for the expenses of his office for such ensuing month, which application shall, before presentation to said court, first be endorsed by the county auditor, if any, otherwise the county treasurer, only as to whether funds are available for payment of such expenses. The Commissioners Court of the county of the Sheriff's residence may, upon the written and sworn application of the Sheriff stating the necessity therefor purchase equipment for a bureau of criminal identification, such as cameras, finger print cards, inks, chemicals, microscopes, radio and laboratory equipment, filing cards, filing cabinets, tear gas and other equipment in keeping with the system in use by the Department of Public Safety of this State, or the United States Department of Justice and/or Bureau of Criminal Identification.

"Such purchases shall be made by each officer, when allowed, only by requisition in manner provided by the county auditor, if any, otherwise by the Commissioners Court. Each officer shall at the close of each month of his tenure of office, make an itemized and sworn report of all approved expenses incurred by him and charged to his county, accompanying such report with invoices covering such purchases and requisitions issued by him in support of such report. If such expenses be incurred in connection with any particular case, such report shall name such case. Such report, invoices, and requisitions shall be subject to the audit of the county auditor, if any, otherwise by the Commissioners Court, and if it appears that any item was not incurred by such officer, or that such item was not a necessary or legal expense of such office, or purchased upon proper requisition, such item shall be by said county auditor or court rejected, in which case the payment of such item may be adjudicated in any court of competent jurisdiction. All such approved claims and accounts shall be paid from the Officers' Salary Fund unless otherwise provided herein.

"The Commissioners Court of the county of the Sheriff's residence may, upon the written and sworn application of such officer, stating the necessity therefor, allow one or more automobiles to be used by the Sheriff in the discharge of official business, which, if purchased by the county shall be bought in the manner prescribed by law for the purchase of supplies and paid for out of the General Fund of the county, and they shall be reported and paid in the same manner as herein provided for other expenses.

"Where the automobile or automobiles, are owned by the Sheriff or his deputies, they shall be allowed four (4c) cents for each mile traveled in the discharge of official business, which sum shall cover all expenses of the maintenance, depreciation and operation of such automobile. Such mileage shall be reported and paid in the same manner prescribed for other allowable expenses under the provisions of this section. No automobile shall be allowed for any deputy sheriff except those regularly employed in outside work. It shall be the duty of the county auditor, if any, otherwise the Commissioners Court, to check the speedometer reading of each of said automobiles owned by the county once each month and to keep a public record thereof; no automobile owned by the county shall be used for any private purpose."

Section 12. Article 3901, Revised Civil Statutes of Texas, 1925, be, and the same is hereby, amended so that the same will hereafter read as follows:

"Article 3901. Each assessor and collector of taxes, at the time of his settlement with the Comptroller of Public Accounts of the State of Texas, shall file with the Comptroller a copy of the sworn statement required under Article 3897 as herein amended."

Section 13. The Commissioners Court in counties having a population of twenty thousand (20,000) inhabitants or more, and less than one hundred and ninety thousand (190,000) inhabitants according to the last preceding Federal Census, is hereby authorized and it shall be its duty to fix the salaries of all the following named officers, to wit: sheriff, assessor and collector of taxes, county judge, county attorney, including criminal district attorneys and county attorneys who

perform the duties of district attorneys, district clerk, county clerk, and treasurer. Each of said officers shall be paid in money an annual salary in twelve equal installments of not less than the total sum earned as compensation by him in his official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer under Laws existing on August 24, 1935; provided that in counties having a population of twenty thousand (20,000) and less than thirty-seven thousand five hundred (37,500), according to the last preceding Federal Census, and having an assessed valuation in excess of Fifteen Million (\$15,000,000.00) Dollars, according to the last approved preceding tax roll of such county, the maximum amount allowed such officers as salaries may be increased one per cent (1%) for each One Million (\$1,000,000.00) Dollars valuation, or fractional part thereof, in excess of said Fifteen Million (\$15,000,000.00) Dollars valuation over and above the maximum amount allowed such officers under laws existing on August 24, 1935; and provided that in counties having a population of thirty-seven thousand five hundred (37,500) and less than sixty thousand (60,000), according to the last preceding Federal Census, and having an assessed valuation in excess of Twenty Million (\$20,000,000.00) Dollars, according to the last preceding approved tax roll of such county, the maximum amount allowed such officers as salaries, may be increased one (1%) per cent for each one Million (\$1,000,000.00) Dollars valuation, or fractional part thereof, in excess of said Twenty Million (\$20,000,000.00) Dollars valuation over and above the maximum amount allowed such officer under laws existing on August 24, 1935.

(a) The Commissioners Court may authorize the employment of a stenographer by the county judge and pay for such services out of the General Fund of the county to an amount not to exceed Twelve Hundred (\$1200.00) Dollars per year.

(b) The compensation of a criminal district attorney or county attorney performing the duties of district attorney, together with the compensation of his assistants, shall be paid out of the County Officers' Salary Fund, but the State shall pay into such fund each year an amount equal to a sum

which bears the same proportion to the total salary of such criminal district attorney or county attorney performing the duties of a district attorney, together with the salary of his assistants, as all felony fees collected by such official during the year of 1935 bears to the total fees collected by such official during such year.

Section 14. Article 3902, Revised Civil Statutes of Texas, 1925, together with all amendments thereto is hereby amended so as to hereafter read as follows:

"Article 3902. Whenever any district or county officer shall require the services of deputies, assistants or clerks in the performance of his duties he shall apply to the County Commissioners Court of his county for authority to appoint such deputies, assistants or clerks, stating by sworn application the number needed, the position to be filled and the amount to be paid. Said application shall be accompanied by a statement showing the probable receipts from fees, commissions and compensation to be collected by said office during the fiscal year and the probable disbursements which shall include all salaries and expenses of said office; and said court shall make its order authorizing the appointment of such deputies, assistants and clerks and fix the compensation to be paid them within the limitations herein prescribed and determine the number to be appointed as in the discretion of said court may be proper; provided that in no case shall the Commissioners Court or any member thereof attempt to influence the appointment of any person as deputy, assistant or clerk in any office. Upon the entry of such order the officers applying for such assistants, deputies or clerks shall be authorized to appoint them; provided that said compensation shall not exceed the maximum amount hereinafter set out. The compensation which may be allowed to the deputies, assistants or clerks above named for their services shall be a reasonable one, not to exceed the following amounts:

"1. In counties having a population of twenty-five thousand (25,000) or less inhabitants, first assistant or chief deputy not to exceed Eighteen Hundred (\$1800.00) Dollars per annum; other assistants, deputies or clerks not to exceed Fifteen Hundred (\$1500.00) Dollars per annum each.

"2. In the counties having a population of twenty-five thousand and one (25,001) and not more than thirty-seven thousand five hundred (37,500) inhabitants, first assistant or chief deputy not to exceed Two Thousand (\$2,000.00) Dollars per annum; other assistants, deputies or clerks not to exceed Seventeen Hundred (\$1,700.00) Dollars per annum each.

"3. In counties having a population of thirty-seven thousand five hundred and one (37,501) and not more than sixty thousand (60,000) inhabitants, first assistant or chief deputy not to exceed Twenty-one Hundred (\$2100.00) Dollars per annum; other assistants, deputies or clerks not to exceed Eighteen Hundred (\$1800.00) Dollars per annum each.

"4. In counties having a population of sixty thousand and one (60,001) and not more than one hundred thousand (100,000) inhabitants, first assistant or chief deputy not to exceed Twenty-four Hundred (\$2400.00) Dollars per annum; other assistants, deputies or clerks not to exceed Twenty-one Hundred (\$2100.00) Dollars per annum each.

"5. In counties having a population of one hundred thousand and one (100,001) and not more than one hundred and fifty thousand (150,000) inhabitants, first assistant or chief deputy not to exceed Twenty-six Hundred (\$2600.00) Dollars per annum; heads of departments may be allowed by the Commissioners Court, when in their judgment such allowance is justified, the sum of Two Hundred (\$200.00) Dollars per annum in addition to the amount herein allowed, when such heads of departments sought to be appointed shall have previously served the county or political subdivision thereof for not less than two continuous years; other assistants, deputies or clerks not to exceed Twenty-three Hundred (\$2300.00) Dollars per annum each.

"6. In counties having a population of one hundred fifty thousand and one (150,001) and not more than one hundred ninety thousand (190,000) inhabitants, first assistant or chief deputy not to exceed Three Thousand (\$3,000.00) Dollars per annum; other assistants, deputies or clerks not to exceed Twenty-four Hundred (\$2400.00) Dollars per annum each."

Section 15. The Commissioners Court in counties having a population of less than twenty thousand (20,000) inhabitants, according to the last preceding Federal Census, at the first regular meeting in January of each calendar year, may pass an order providing for compensation of all county and precinct officers on a salary basis, and in the event said court passes such order, they shall pay unto each of said officers in money an annual salary in twelve equal installments of not less than the total sum earned as compensation by said officer in his said official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer under laws existing August 24, 1935, provided, that in counties having a population of less than twenty thousand (20,000) inhabitants, according to the last preceding Federal Census, and having an assessed valuation in excess of Ten Million (\$10,000,000.00) Dollars, according to the last preceding approved tax roll of such county, the maximum amount allowed such officers as salaries may be increased one per cent (1%) for each One Million (\$1,000,000.00) Dollars valuation or fractional part thereof, in excess of said Ten Million (\$10,000,000.00) Dollars valuation over and above the maximum amount allowed such officers under laws existing on August 24, 1935; provided, however, no salaries covered by this section shall exceed the sum of Four Thousand Five Hundred (\$4,500.00) Dollars regardless of the percentage of increase in population and valuation and provided further that in all counties having a population of not less than twenty thousand and one (20,001) and not more than twenty-five (25,000) thousand, according to the last preceding Federal Census, and which has an assessed valuation in excess of Twenty-five Million (\$25,000,000.00) Dollars, according to the last preceding approved tax roll of such counties, the County Judge, Sheriff, County Attorney, Assessor and Collector of Taxes, County Clerk and District Clerk, the maximum salary is hereby fixed at Thirty-seven Hundred and Fifty (\$3,750.00) Dollars.

Section 16. In counties having a population of less than twenty thousand (20,000) inhabitants, according to the last preceding Federal Census, all county officers shall continue to be compensated for their services on a

fee basis until the Commissioners Court shall have determined otherwise, in accordance with the provisions of Section 2 of this Act.

Section 17. (a) The term "Precinct Officers" as used in this Act means justices of the peace and constables.

In all counties in this State such precinct officers shall continue to be compensated for their services on a fee basis until the Commissioners Court shall have determined otherwise in accordance with the provisions of Section 2 of this Act.

In counties wherein the Commissioners Court shall have determined that precinct officers shall be compensated on an annual salary basis, but wherein they have determined that county officers shall not be so compensated, the Officers' Salary Fund of said county shall be composed and made up of fees, commissions and other compensation collected by the precinct officers of such county and deposited in said fund, and such funds as may be transferred to said fund by the Commissioners Court of the county.

(b) In counties where it shall have been determined that precinct officers shall be compensated on an annual salary basis it shall be the duty of the Commissioners Court of such county to fix the salary allowed to such officers. Each of said officers shall be paid in money an annual salary in twelve equal installments of not less than the total sum earned as compensation earned by him in his official capacity for the fiscal year 1935 and not more than the maximum amount allowed such officer under laws existing August 24, 1935.

In counties in which precinct officers are paid a salary as compensation for their services, any constable desiring to appoint one or more deputies shall make application to the Commissioners Court for authority to appoint such deputy or deputies, in the manner and form prescribed for applications for deputy county officers by Article 3902, Revised Civil Statutes, 1925, as amended within the provisions of this Act; the Commissioners Court shall not authorize the appointment of any deputy constable at a salary exceeding Fifteen Hundred (\$1500.00) Dollars per year. The salaries of deputies authorized to be appointed under the provisions of this Section shall be paid out of the Officers' Salary Fund.

In counties wherein the county officers named in this Act are compensated on the basis of an annual salary, the State of Texas shall not be charged with and shall not pay any fee or commission to any precinct officer for any services by him performed, but said officer shall be paid by the County out of the Officers' Salary Fund, such fees and commissions as would otherwise be paid him by the State for such services.

Section 18. (a) Each criminal district attorney in this State serving a district comprising two or more counties, the population of which district exceeds one hundred and fifty thousand (150,000) inhabitants, according to the last preceding Federal Census, shall receive an annual salary of Four Thousand Five Hundred (\$4,500.00) Dollars, to be paid in twelve (12) equal monthly installments, upon warrants drawn by the Comptroller of Public Accounts upon the State Treasury; provided nothing in this Section shall be construed as repealing any existing laws providing for assistants for said criminal district attorney.

(b) Such criminal district attorneys shall be allowed a sum not to exceed Five Hundred (\$500.00) Dollars per annum for the necessary expenses of such office, said sum to be paid only upon the itemized sworn statement of such officer showing the necessity therefor and approved by the State Auditor.

Section 19. Provisions of this Section shall apply to and control in each County in the State of Texas having a population in excess of one hundred and ninety (190,000) thousand inhabitants, according to the last preceding Federal Census.

(a) The Commissioners Court of each such county, at its first regular meeting in January of each calendar year, shall determine by order made and entered in the minutes of said Court, whether the precinct officer of such county shall be compensated on a salary basis as provided for in this Section, or whether they shall receive as their compensation such fees of office as may be earned and collected by them in the performance of the duties of their offices, subject to the limitations hereinafter provided; and it shall be the duty of the County Clerk of each such county to forward to the Comptroller of Public

Accounts of the State of Texas on or before the 31st day of January a certified copy of such order.

(b) Where the Commissioners Court shall have determined that precinct officers in such county shall be compensated for their services by the payment of an annual salary, such officers shall receive said salary in lieu of all other fees, commissions, or compensation which they would otherwise be authorized to retain; provided that the provisions of this subsection shall not affect the payment of costs in civil cases by the State but all such costs so paid shall be accounted for by the officers collecting the same, as they are required under the provisions of this Section to account for fees, commissions, and costs collected from private parties.

(c) The term "Precinct Officers" as used in this Section means justices of the peace and constables.

Such precinct officers shall continue to be compensated for their services on a fee basis until the Commissioners Court shall have determined otherwise in accordance with the provisions of this Section.

The annual fees that may be retained by any such precinct officer shall be Four Thousand (\$4,000.00) Dollars, each.

All fees and commissions earned by such official shall be applied first to the payment of his deputies, authorized expenses of his office, and to make up the maximum provided for such officers.

All fees and commissions over and above the amount necessary to pay authorized expenses and deputies' salaries, and to make up the maximum compensation above provided for, shall be deemed excess fees, and all excess fees not permitted to be retained shall be paid into the General Fund of the county.

Delinquent fees may be used to defray the salaries of deputies if current fees are insufficient for that purpose; and may be used also to make up the maximum compensation, exclusive of excess fees, allowed to such officer for the fiscal year within which such fees were earned. Delinquent fees collected in excess of the amount above provided for shall be paid by the officer collecting the same into the General Fund of the county.

Precinct officers, as defined in this Section, shall be compensated after an order duly enacted by the Commissioners Court as herein provided, on an annual salary basis from said Officer's Salary Fund; such salaries shall be fixed by the Commissioners Court at a reasonable sum not to exceed Four Thousand (\$4,000.00) Dollars each, provided that in such counties in which the Commissioners Court determines to place justices of the peace and constables on a salary basis, said Commissioners Court shall not be required to place said salaries in all precincts within the county at equal amounts, but said Commissioners Court shall have discretion to determine the amount of salary to be paid to each of said justices of the peace and to each of said constables in the several precincts in said counties within the limitations hereinabove set out. In counties where the Commissioners Court determines to place the justices of the peace on a salary basis the justice of the peace shall receive in addition thereto all fees, commissions, or payments for performing marriage ceremonies and for acting as Registrar for the Board of Vital Statistics and when acting as Ex-Officio Notary Public.

(d) The county judge, sheriff, district attorney or criminal district attorney, as the case may be, district clerk, county clerk, and assessor and collector of taxes shall receive a salary of Six Thousand Five Hundred (\$6,500.00) Dollars per annum from the Officers' Salary Fund herein provided for. The compensation herein fixed for the sheriff or constable shall be exclusive of any reward received for the apprehension of criminal fugitives from justice and rewards received for the recovery of stolen property.

(e) The Commissioners Court of each county shall determine annually the salary to be paid to the county treasurer at a reasonable sum not to exceed Three Thousand Six Hundred (\$3,600.00) Dollars per annum. Said treasurer shall be allowed to appoint one (1) assistant at a reasonable salary not to exceed One Thousand Eight Hundred (\$1,800.00) Dollars per annum; and said Court may allow one (1) additional assistant upon adequate proof of necessity at a reasonable salary not to exceed One Thousand Five Hundred (\$1,500.00) Dollars per annum. Said assistants shall be appoint-

ed by the treasurer and shall take the usual oath of office and in addition thereto shall give such surety bond as may be required by the county treasurer or by the Commissioners Court. Said assistants shall have authority to do and perform in the name of the treasurer such acts of a clerical or ministerial character as may be required of them by the county treasurer. The county treasurer may designate, subject to the approval of the Commissioners Court, a named person to act for him and in his stead when he shall be absent, unavoidably detained or incapacitated. The particulars justifying such appointment shall be placed before the Commissioners Court and such Court may require any proof in connection therewith desired. Upon approval of the Court of the appointment of the person so designated and the recording of such appointment in the minutes of the Court, thereupon such person may act for such treasurer during such period of absence, detention or incapacity; provided, however, that such appointment shall not become effective until such named person shall have given a surety bond in favor of the county and the county treasurer as their interests may appear and in such amounts as the Commissioners Court may require.

(f) The district attorney or criminal district attorney shall be authorized to appoint nine (9) assistants and fix their salaries at a rate not to exceed the following amounts: Two (2) of said assistants, Four Thousand Five Hundred (\$4,500.00) Dollars per annum each; two (2) of said assistants, Four Thousand Two Hundred (\$4,200.00) Dollars per annum each; one (1) of said assistants, Three Thousand Six Hundred Dollars (\$3,600.00) per annum; one (1) of said assistants, Three Thousand (\$3,000.00) Dollars per annum; and three (3) of said assistants, Two Thousand Seven Hundred (\$2,700.00) Dollars per annum each. He may employ three investigators and fix their salaries at not to exceed Two Thousand Four Hundred (\$2,400.00) Dollars per annum each. He may employ two (2) court reporters and fix their salaries at not to exceed Two Thousand Two Hundred Eighty (\$2,280.00) Dollars per annum each. He may employ one (1) combination stenographer and accountant and fix his salary at not to exceed Two Thousand One Hundred (\$2,100.00) Dollars

per annum. He may employ one (1) stenographer and fix his salary at not to exceed One Thousand Eight Hundred (\$1,800.00) Dollars per annum. He may employ one (1) chief civil clerk and fix his salary at not to exceed Two Thousand One Hundred (\$2,100.00) Dollars per annum. He may employ two (2) abstractors and fix their salaries as follows: One (1) of said abstractors at not to exceed Two Thousand One Hundred (\$2,100.00) Dollars per annum, and the other abstractor at not to exceed One Thousand Eight Hundred (\$1,800.00) Dollars per annum. All such salaries above mentioned shall be payable from the Officer's Salary Fund, if adequate. If inadequate, the Commissioners Court shall transfer the necessary funds from the General Fund of the county to the Officer's Salary Fund.

Should such district or criminal district attorney be of the opinion that the number of assistants, stenographers, investigators, or other employees above provided for is not adequate for the proper investigation and prosecution of crime, and the efficient performance of the duties of his office, with the advice and consent of the Commissioners Court he may appoint additional assistants and employees as hereinafter limited and fix their salaries as follows: One (1) additional assistant to receive a salary not to exceed Four Thousand Two Hundred Fifty (\$4,250.00) Dollars per annum; one (1) additional assistant or employee to receive a salary not to exceed Three Thousand Six Hundred (\$3,600.00) Dollars per annum; one (1) additional assistant to receive a salary not to exceed Three Thousand (\$3,000.00) Dollars per annum; and two (2) additional assistants to receive a salary not to exceed Two Thousand Seven Hundred (\$2,700.00) Dollars per annum each. He may employ one (1) additional court reporter and fix his salary at a rate not to exceed Two Thousand One Hundred Sixty (\$2,160.00) Dollars per annum. He may employ one (1) stenographer and fix his salary at a rate not to exceed One Thousand Five Hundred (\$1,500.00) Dollars per annum. He may employ one (1) civil clerk and fix his salary at a rate not to exceed One Thousand Five Hundred (\$1,500.00) Dollars per annum. He may employ one information clerk and fix his salary at a rate not to exceed Nine Hundred (\$900.00)

Dollars per annum, but such additional assistants or employees so appointed, before qualifying and entering upon the duties of such office and employment, shall be approved as to number and salaries by the Commissioners Court of the county in which such appointments are made, these salaries being payable from the Officer's Salary Fund, if adequate. If inadequate, the Commissioners Court shall transfer the necessary funds from the General Fund of the county to the Officer's Salary Fund. In addition to the salary herein provided for investigators for district attorneys and criminal district attorneys, each of such investigators shall be allowed a sum not to exceed Fifty (\$50.00) Dollars per month for repair and maintenance expense of an automobile used by said investigator in the investigation of crime, said allowances to be paid monthly by such county by warrant drawn upon said Officer's Salary Fund upon the written claim of such investigator showing that said automobile was in official use, and such claim shall bear the approval of the district attorney before being paid.

(g) In addition to other sums provided in this Section, the district attorney or criminal district attorney may be allowed by order of the Commissioners Court of his county such amount as said Court may deem necessary to pay for, or aid in, the proper administration of the duties of such office, not to exceed Two Thousand Five Hundred (\$2,500.00) Dollars in any one calendar year; provided, that such amounts as may be allowed shall be allowed upon written application of such district attorney or criminal district attorney showing the necessity therefor, and provided further that said Commissioners Court may require any other evidence that it may deem necessary to show the necessity for any such expenditures, and that its judgment in allowing or refusing to allow the same shall be final. No payment therefor shall be made except upon an itemized sworn statement of such expenses filed in the manner provided in this Section for other expenses.

(h) Whenever any district or county officer, or precinct officer when such officer is compensated on a salary basis, with the exception of district attorneys and criminal district attorneys, shall require the serv-

ices of deputies, assistants, and employees in the performance of his duties he shall apply to the Commissioners Court for authority to appoint such deputies, assistants, and employees, stating by sworn application the number needed, the position to be filled, the duties to be performed, and the amount to be paid. Said application shall be accompanied by a statement showing the probable receipts from fees, commissions, and compensation to be collected by said office during the fiscal year and the probable disbursements which shall include all salaries and expenses of said office; and said Court shall make its order authorizing the appointment of such deputies, assistants, and clerks and fix the compensation to be paid them within the limitations herein prescribed and determine the number to be appointed as in the discretion of said Court may be proper; provided that in no case shall the Commissioners Court or any member thereof attempt to influence the appointment of any person as deputy, assistant, or clerk in any office. Upon the entry of such order the officers applying for such deputies, assistants, and employees shall be authorized to appoint them; provided that said compensation shall not exceed the maximum amount hereinafter set out. The maximum compensation which may be allowed to the deputies, assistants, or clerks above named for their services shall be as follows:

First Assistant or Chief Deputy not to exceed Three Thousand Six Hundred (\$3,600.00) Dollars per annum; one Assistant or Deputy not to exceed Three Thousand (\$3,000.00) Dollars per annum; other assistants, deputies, and employees not to exceed Two Thousand Four Hundred (\$2,400.00) Dollars per annum each; provided that bailiffs serving criminal district courts shall be paid not less than One Hundred and Seventy-five (\$175.00) Dollars per month each; provided further that chief clerks or chief deputies in county and district offices shall receive not less than Three Thousand (\$3,000.00) Dollars per annum each and heads of departments in county or district offices shall receive not less than Twenty-five Hundred (\$2,500.00) Dollars per annum each. No payment shall be made to any deputy, assistant or employee for any service per-

formed prior to the authorization of his appointment and until he shall have subscribed to the constitutional oath of office and such appointment and oath have been filed with the county clerk for record. The amounts allowed to be paid to deputies, assistants and employees shall be paid after rendition of service out of said Officer's Salary Fund as provided for in this Act.

(i) There shall be created a fund for each officer affected by the provisions hereof to be known as the "_____ Salary Fund of _____

County, Texas" (insert the title of the officer affected and the name of the county) and such fund shall be kept separate and apart from all other county funds and shall be held and disbursed for the purpose of paying the salary of such officer, the salaries of his deputies, assistants, clerks, stenographers, and investigators who are authorized to draw a salary from said fund under the provisions of this Section and to pay the authorized and approved expenses of his office. Such fund shall be deposited in the county depository and shall be protected to the same extent, and draw the same interest, as other County Funds. The Commissioners Court of each county affected by the provisions of this Section, at its first regular meeting in January of each calendar year, may determine, by order made and entered in the minutes of said Court, that all fees, costs, compensation, salaries, expenses, etc., provided for in this Section, shall be paid into and drawn from the General Fund of such county; in which event each reference in this Section to a salary fund shall be read as and interpreted to be "General Fund".

(j) Each district, county, and precinct officer who shall be compensated on a salary basis shall continue to charge for the benefit of the Officer's Salary Fund of his office provided for in this Section, all fees and commissions which he is now or hereafter may be authorized to charge against and collect from the State of Texas for services performed by him in civil and criminal proceedings and to file claims for the fees or commissions due for such services in the manner now or hereafter provided by law; and it shall be the duty of said officer to account for and cause to be paid to the salary fund created for such

officer all such commissions and fees when paid by the State in like manner as for costs collected from private parties; provided further that such warrants issued by the State Comptroller of Public Accounts shall be made payable jointly to the officer in office at the date of payment and to the county treasurer, and that upon endorsement thereof such warrants shall be deposited forthwith by said county treasurer in the salary fund created for such officer.

(k) No officer receiving a salary shall receive any ex-officio compensation from the county; provided, however, the Commissioners Court shall transfer from the General Fund of the County to any Officer's Salary Fund of such county such funds as may be necessary to pay the salaries and other legally authorized claims chargeable against such fund when the moneys deposited to the credit of such fund are insufficient to meet the claims against it.

(l) Each district, county, and precinct officer receiving an annual salary as compensation shall be entitled, subject to the provisions of this Section, to issue warrants against the Salary Fund created for his office in payment of the services of deputies, assistants, clerks, stenographers, and investigators, for such amounts as said employees may be entitled to receive for services performed under their authorizations of employment. And such officer shall be entitled to file claims for and issue warrants in payment of all actual and necessary expenses incurred by him in the conduct of his office, such as stationery, stamps, telephone, traveling expenses, and other necessary expenses. If such expenses be incurred in connection with any particular case, such claim shall state such case. All such claims shall be subject to the audit of the county auditor; and if it appears that any item of such expense was not incurred by such officer, or such item was not a necessary expense of office, or such claim is incorrect or unlawful, such item shall be by such auditor rejected, in which case the correctness, legality, or necessity of such item may be adjudicated in any court of competent jurisdiction. Provided, the assessor and collector of taxes shall be authorized in like manner annually to incur and pay for insurance premiums in a reasonable sum for policies

to carry insurance against loss of funds by fire, burglary, or theft.

At the close of each month of the tenure of his office each officer named herein shall make as a part of the report required by subsection O, of this Section an itemized and sworn statement of all expense claims paid during said month. And said report shall give the name, position, and amount paid to each authorized employee of such officer. Such deputies, assistants, clerks or other employees as well as expenses shall be paid from the Officer's Salary Fund in cases in which the officer is on a salary basis, and from fees earned and collected by such officer in all cases in which the officer is compensated on a basis of fees earned by him.

The Commissioners Court may allow, upon the written and sworn application of the sheriff showing the necessity therefor, one or more automobiles to be used by the sheriff or his deputies in the discharge of his official duties, which if purchased by the county shall be bought in the manner prescribed by law for the purchase of supplies, and shall be paid for out of the Officer's Salary Fund, and said automobiles shall be and remain the property of the county. The expense of operating and maintaining said automobiles shall be paid in the manner and subject to the provisions herein provided for other expense items. The Commissioners Court by an order entered of record may make provision for payment of depreciation upon automobiles owned personally by the sheriff or his deputies.

The Commissioners Court may, upon the written and sworn application of the district attorney or criminal district attorney, stating the necessity therefor, allow one or more automobiles to be used by him in the discharge of his official duties, which if purchased shall be bought by the county in the manner prescribed by law for the purchase of supplies, and paid for out of the Officer's Salary Fund, and they shall be and remain the property of the county. The amount to be expended for the purchase of an automobile or automobiles shall not exceed the sum of One Thousand Two Hundred (\$1,200.00) Dollars for the first year, and shall not exceed the sum of Five Hundred

(\$500.00) Dollars for any year thereafter. The expense of the maintenance and operation of such automobile or automobiles as may be allowed shall be paid for by the district attorney or the criminal district attorney from the Officer's Salary Fund, and the amount thereof shall be reported in detail by the district attorney or the criminal district attorney on his monthly report, as is required by this Section in reporting expenses incurred by him in the conduct of his office. Such expense account for the maintenance and operation of such automobile or automobiles shall be subject to audit as hereinabove provided.

(m) All moneys drawn from said Officer's Salary Funds shall be paid out only on warrants approved by the county auditor. No warrants shall be drawn on said fund in favor of any person indebted to the State, county, or to said fund or in favor of his agent or assignee until such debt is paid, when notice of such indebtedness has been filed with the county auditor.

All moneys remaining in any Officer's Salary Fund of the county at the end of any fiscal year after all salaries and authorized expenses incurred against said fund for said year shall have been paid and the accounts of said officer have been audited and approved by the county auditor shall be by order of the Commissioners Court transferred by warrant issued by the county clerk when approved to the credit of the General Fund of the county.

(n) Each district, county and precinct officer shall keep a correct detailed statement of all amounts earned by him and of sums coming into his hands as fees, costs, and commissions, in a book to be provided for him by the proper authorities of the county for that purpose in which the officer at the time when fees or moneys are earned or shall come into his hands shall enter the same in such form as may be lawfully required.

(o) The fiscal year, within the meaning of this Section, shall begin on January 1st of each year; and each district, county, and precinct officer shall file his annual report and make the final settlement required in this Act by January fifteenth of each year; provided, however, that officers receiving an annual salary as compensa-

tion for their services shall on or before the fifth day of each month file with the county auditor on forms prescribed by him and as part of the report required by subsection L of this Section, a detailed and itemized report of all fees, commissions, and compensations collected by him during the preceding month, and shall forthwith pay into the Officer's Salary Fund for his office, all fees, commissions, and compensations collected by him during said month. Whenever such officer serves a fractional part of the fiscal year, he shall, nevertheless, file his report and make final settlement for such part of the year as he serves and shall be entitled to such proportionate part of his compensation as the time of his service bears to the entire year.

(p) It shall be the official duty of each clerk of the district and county courts and of all justices of the peace to require at the commencement of any civil suit adequate security for costs; provided a pauper's oath may be filed and contested as provided by law. No district, county, or precinct officer shall under the penalties now provided by law waive any fees or costs but it shall be the duty of all officers to assess and collect all fees and commissions which they are permitted or directed by law to assess and collect for services performed by them. Where any officer receives a salary payable from the Salary Fund created for such officer all fees, commissions, and other compensation received by him in his official capacity shall be by him deposited and paid monthly, or often-er, into the Salary Fund created for such officer, and such remittance shall be accompanied by his official report thereof, as provided for in this Section.

(q) Each district, county, and precinct officer, at the close of each fiscal year (December 31) shall make to the district court of such county a sworn statement in triplicate (on forms designed and approved by the State Auditor), a copy of which statement shall be forwarded to the State Auditor by the clerk of the district court of said county within fifteen (15) days after the same has been filed in his office, and one copy shall be filed with the county auditor. Said report shall show the amount of all fees, commissions, and compensations whatever earned by said officer during

the fiscal year; and the amount of fees, commissions, and compensations collected by him during the fiscal year and their disposal. Said report shall contain an itemized statement of all fees, commissions, and compensations earned during the fiscal year which were not collected, together with the style of the case and number, the name of the party owing said fees, commissions, and compensations, the nature of the security for costs, and the reason for non-collection. Said report shall show the names of deputies and assistants employed by him during the year, the time served, and the amount paid or to be paid each. Said report shall be filed not later than January fifteenth following the close of the fiscal year. For failure to file said report said officer shall be subject to removal from office. The county auditor shall audit such report and file his report with the Commissioners Court, and said county auditor also shall prepare and file with the district or criminal district attorney a detailed report of all fees, commissions, and compensations uncollected which have been due and payable to any officer of the county for a period of more than six (6) months; and a similar report of all fees, commissions, and compensations collected by said officers and not reported by them and a list of cases filed since January 1, 1936, in which any county or district clerk or justice of the peace has not taken adequate security for costs or required a pauper's oath. It shall be the duty of the district or criminal district attorney to institute proceedings for the collection of such fees, commissions, and compensations, all of which are declared to be the property of the county and shall be deposited in the General Fund.

(r) The moneys received from the State by each such county under the provisions of Section 6 and subsection b of Section 13 of this Act shall be apportioned by the Commissioners Court to the proper Officer's Salary Funds of each such county.

(s) Notaries Public, public weighers, and county surveyors are expressly exempted from the provisions of this Section.

(t) It is hereby declared to be the intention of the Legislature that the provisions of this Section control in all things as to the counties affected

hereby. Nothing herein shall be held to repeal Chapter 122, Page 330, Acts of the Forty-fourth Legislature, 1935, Regular Session, except insofar as its provisions may be in direct conflict herewith, in which event the terms of this Section shall prevail, nor shall anything herein contained affect or be construed as repealing Chapter 34, Acts of the Forty-fourth Legislature, Regular Session, appearing at Page 100, et sequente, of said Acts, or Art. 3912a, Revised Civil Statutes of Texas, the same being Acts 1933, Forty-third Legislature, Page 107, Chapter 54.

(u) The provisions of this Section shall be severable and if any subsection, sentence, clause, phrase, word or part of the same shall be held to be unconstitutional or invalid for any reason, the same shall not be construed to affect the validity of any of the remaining provisions of this Section. It is hereby declared to be the Legislative intent that this Section would have been adopted had such invalid provision not been included therein.

Section 20. Any unexpended balance in the appropriation made by the Regular Session of the Forty-fourth Legislature, for the payment of fees and costs of sheriffs, attorneys and clerks in felony cases, fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials actually held and where indictments are returned, in the sum of Five Hundred Fifty Thousand (\$550,000.00) Dollars for each of the fiscal years ending August 31st, 1936, and August 31st, 1937, in addition to the purposes therein specified, is hereby appropriated and authorized to be disbursed by the Comptroller and Treasurer in the payment of any apportionment which may become due to any counties in this State under the provisions of this Act for the fiscal year for which the appropriation is available.

Section 21. The provisions of this Act shall become effective January 1st, A. D., 1936.

Section 22. The provisions of this Act shall be cumulative of all laws not in conflict herewith. It is hereby declared to be the intention of the Legislature that the compensation, limitations, and maximums fixed in this Act for the named officers, their deputies, assistants and employees control over any other provisions con-

tained in all laws, General and Special.

Section 23. The provisions of this Act shall be severable and if any section, subsection, sentence or clause or word of the same shall be held to be unconstitutional or invalid for any reason, the same shall not be construed to affect the validity of any of the remaining provisions of this Act. It is hereby declared as the legislative intent that this Act would have been adopted had such invalid provision not been included therein.

Section 24. The fact that the people of Texas adopted at an election held on the fourth Saturday in August, a constitutional amendment making it mandatory that constitutional county officers in counties having a population of twenty thousand (20,000) inhabitants or more, according to the last preceding Federal Census, be compensated solely on a salary basis from and after the first day of January, 1936, creates in view of the brevity of the present session, an emergency and an imperative public necessity requiring that the constitutional rule, that bills shall be read on three several days in each House, be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

DeBERRY,
DAVIS,
MOORE,
ONEAL,

On the part of the Senate.

ALSUP,
LINDSEY,
DUVALL,
KNETSCH,
McCALLA,

On the part of the House.

Mr. Knetsch moved that the Report be adopted.

Mr. Gibson moved that further consideration of the Report be postponed until 9:30 o'clock a. m., tomorrow, and that the report be mimeographed and placed on the members' desks.

On motion of Mr. Harris of Dallas, the motion by Mr. Gibson was tabled.

ADJOURNMENT

On motion of Mr. Leath, the House at 6:15 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions as follows:

Games and Fisheries: House Bill No. 136.

Judiciary: Senate Bill No. 28.

State Affairs: House Concurrent Resolution No. 21; and Senate Concurrent Resolution No. 25.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, November 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 26, Requesting the continuance of Federal Relief in Texas.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, November 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 25, Suspending Joint Rules Nos. 11, 22 and 23.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 68, "An Act creating a special road law for Red River County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of October 23, 1935, by the issuance of funding bonds, and setting forth the method of operation; providing that the General Laws pertaining to roads and bridges shall be

applicable to said county, when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 103, "An Act validating the acts of cities, towns and villages in attempting to adopt the provisions of cities and towns under authority of Article 961, Revised Civil Statutes of Texas of 1925, and validating acts thereafter taken by such cities, towns, and villages, with provision that this Act shall not apply in instances wherein the validity of the adoption of such powers is in litigation at the time this Act becomes effective; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, November 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 104, "An Act to create the Sulphur River Conservation and Reclamation District under the authority of Section 59 of Article 16, of the Constitution of Texas authorizing subordinate districts and for the creation and government thereof; defining the powers and duties of said districts; providing for directors and organization and operation of the districts and the authority and duties of said directors; defining the area of the parent and subordinate districts; providing certain duties for the State Board of Water Engineers, State Reclamation Engineer and the Governor of the State; providing for the manner of securing funds for engineering surveys and other purposes necessary to develop information essential to the ascertainment of the plan of improve-

ment necessary to secure the control of harmful flood waters, and the useful distribution of such water; providing for the survey of underground waters; providing that the said districts shall be governed by the provisions of this Act and all General Laws of the State of Texas; providing for the necessary plans, specifications and data and in making the necessary surveys, and in acquiring the necessary lands, leases, easements, and/or acquittances, and in building or having built and/or cooperating in the building of proper structures, dams, reservoirs, and levees suitable for the control, in so far as practicable, of the flood waters and underground waters, of the Sulphur River Watershed; authorizing subordinate districts organized, or which may be hereafter organized hereinunder and in accordance with the laws of the State of Texas, to purchase for use or benefit of the people of any such municipality, or the use and benefit of a portion of the area of the municipality served thereby, works, buildings, equipment, together with all the rights, lands and easements appurtenant thereto and necessary therefor, for rendering any type of public service which has heretofore been authorized by the Statutes of this State as a public utility or a public service; authorizing such municipalities to borrow money for the purpose of constructing such works and facilities and purchasing such lands, easements and rights; or for extending and enlarging same and to enter into such contracts as may be appropriate for acquiring properties of such nature; or for constructing same, either/or both for the use and benefit of the public; to finance such purchase and/or construction by issuing revenue bonds; providing that such bonds shall never be a debt of any such municipality and shall never be payable from the proceeds of ad valorem taxes; providing that such projects shall be deemed self-liquidating in character; provided that tolls, fees, and other charges made for the use thereof shall be at a rate sufficient to pay the current interest; and provide the necessary sinking fund to discharge said bonds at maturity; providing the right of referendum on petition of ten (10) per cent of the qualified voters of such municipality with the right of eminent domain;

prohibiting liens against water power sites; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 118, "An Act reappropriating an appropriation of Seventy-five Thousand (\$75,000.00) Dollars made by Acts of the Regular Session, Forty-fourth Legislature, Chapter 352, page 868, for the purpose of remodeling and re-equipping hospital building at the State Hospital for Crippled and Deformed Children at Galveston, Texas; provided that said appropriation shall be used for the purpose of erecting a new hospital building; appropriating an additional Thirty-five Thousand (\$35,000.00) Dollars for such purpose, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 105, "An Act validating all elections, election orders, election proceedings, affidavits and city ordinances annexing adjacent territory or extending and prescribing the corporate limits of any incorporated city incorporated and functioning under the General Laws of Texas under Commission Form of Government, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

FOURTEENTH DAY

(Thursday, November 14, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker	Head
Adamson	Herzik
Adkins	Hodges
Aikin	Hofheinz
Alexander	Holland
Aisup	Hoskins
Ash	Howard
Atchison	Huddleston
Beck	Hunt
Bergman	Hunter
Bourne	Hyder
Bradbury	Jackson
Bradford	James
Broyles	Jefferson
Burton	Jones of Atascosa
Butler of Brazos	Jones of Falls
Butler of Karnes	Jones of Shelby
Cagle	Jones of Wise
Caldwell	Keefe
Calvert	King
Canon	Knetsch
Celaya	Lanning
Clayton	Latham
Collins	Leath
Colquitt	Lemens
Colson	Leonard
Cooper	Lindsey
Cowley	Lotief
Craddock	Lucas
Crossley	Luker
Daniel	Mauritz
Davis	McCalla
Davison of Fisher	McConnell
Davison	McFarland
of Eastland	McKinney
Dickison	Moffett
Dunagan	Moore
Dunlap of Hays	Morris
Dunlap of Kleberg	Morrison
Duvall	Morse
Dwyer	Newton
England	Olsen
Fain	Padgett
Farmer	Palmer
Fisher	Patterson
Ford	Payne
Fox	Petsch
Frazer	Pope
Fuchs	Quinn
Gibson	Reader
Glass	Reed of Bowie
Good	Reed of Dallas
Graves	Riddle
Gray	Roach of Angelina
Greathouse	Roach of Hunt
Hankamer	Roane
Hanna	Roark
Hardin	Roberts
Harris of Archer	Rogers
Harris of Dallas	Russell
Hartzog	Rutta